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Council Proceedings

Official Report

Bengal Legislative Council

Thirty-sixth Session, 1931

9th to 13th and 16th to 18th February, 1931.

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GOVERNMENT OF BENGAL.

GOVERNOR OF BENGAL.

His Excellency Colonel the Right Hon'ble Sir FRANCIS STANLEY JACKSON, P.C., G.C.I.E.

MEMBERS OF THE EXECUTIVE COUNCIL.

The Hon'ble Mr. A. MARR, C.I.E., I.C.S., in charge of the following portfolios:—

1. Finance.
2. Separate Revenue.
3. Commerce and Industrial subjects.
4. Marine.
5. European Education.
6. Legislative.

The Hon'ble Sir PROVASH CHUNDER MITTER, KT., C.I.E., in charge of the following portfolios:--

1. Land Revenue.
2. Land Acquisition.
3. Excluded Areas.
4. Jails.

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI, KT., in charge of the following portfolios:--

1. Emigration.
2. Immigration.
3. Jurisdiction.
4. Haj Pilgrimage.
5. Forests.
6. Irrigation.

The Hon'ble Mr. W. D. R. PRENTICE, C.I.E., I.C.S., in charge of the following portfolios:—

1. Appointment.
2. Political, excluding Haj Pilgrimage.
3. Police.
4. Ecclesiastical.
5. Regulation of medical and other professional qualifications and standards, subject to legislation by the Indian Legislature.
6. Judicial.
7. Hazaribagh Reformatory School.

MINISTERS.

The Hon'ble Khan Bahadur K. G. M. FAROQUI, in charge of the following portfolios:—

1. Agriculture and Industries (excluding Excise).
2. Public Works.

The Hon'ble Mr. KHWAJA NAZIMUDDIN, C.I.E., in charge of the following portfolios:—

1. Education.
2. Registration.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY, in charge of the following portfolios:—

1. Local Self-Government.
2. Excise.

PRINCIPAL OFFICERS OF THE BENGAL LEGISLATIVE COUNCIL.

PRESIDENT.

The Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh.

DEPUTY PRESIDENT.

Mr. RAZAUR RAHMAN KHAN, B.L.

Panel of Chairmen for the Thirty-sixth Session.

1. Mr. W. L. TRAVERS, C.I.E., O.B.E.
2. Mr. A. F. RAHMAN.
3. Mr. B. C. CHATTERJEE, Bar.-at-Law.
4. Rai Bahadur KESHAB CHANDRA BANERJI.

Secretary to the Council—J. BARTLEY, I.C.S.

Assistant Secretaries to the Council—A. M. HUTCHISON and K. N. MAJUMDAR.

Registrar to the Council—J. W. McKAY, I.S.O.

BENGAL LEGISLATIVE COUNCIL.

ALPHABETICAL LIST OF MEMBERS.

A

Ali, Maulvi Hassan. [Dinajpur (Muhammadan).]
Ali, Maulvi Syed Nausher. [Jessore South (Muhammadan).]
Ali, Mr. Altaf. [Bogra (Muhammadan).]

B

Baksh, Maulvi Shaik Rahim. [Hooghly *cum* Howrah Municipal (Muhammadan).]
Baksh, Maulvi Syed Majid. [Jessore North (Muhammadan).]
Bal, Babu Lalit Kumar. [Bakarganj South (Non-Muhammadan).]
Bal, Mr. Sarat Chandra. [Faridpur South (Non-Muhammadan).]
Ballabh, Rai Bahadur Debendra Nath. [24-Parganas Rural North (Non-Muhammadan).]
Banerji, Rai Bahadur Keshab Chandra. [Dacca Rural (Non-Muhammadan).]
Banerji, Mr. P. [24-Parganas Rural South (Non-Muhammadan).]
Bannerjee, Babu Jitendralal. [Birbhum (Non-Muhammadan).]
Barma, Rai Sahib Panchanan, M.B.E. [Rangpur West (Non-Muhammadan).]
Basir Uddin, Maulvi Mohammed. [Rajshahi North (Muhammadan).]
Basu, Babu Jatindra Nath. [Calcutta North (Non-Muhammadan).]
Basu, Mr. Narendra Kumar. [Nadia (Non-Muhammadan).]
Blandy, Mr. E. N. (Nominated Official.)
Bose, Mr. S. M., Bar.-at-Law. [Calcutta East (Non-Muhammadan).]
Bural, Babu Gokul Chand. [Calcutta South Central (Non-Muhammadan).]
Burn, Mr. H. H. (Bengal Chamber of Commerce.)

C

Chatterjee, Mr. B. C., Bar.-at-Law. [Bakarganj North (Non-Muhammadan).]
Chaudhuri, Babu Kishori Mohan. [Rajshahi (Non-Muhammadan).]
Chaudhuri, Dr. Jogendra Chandra. [Bogra *cum* Pabna (Non-Muhammadan).]
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman. [Faridpur North (Muhammadan).]
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman. (Nominated Non-official.)

Chaudhuri, Maulvi Syed Osman Haider. [Tippera North (Muhammadan).]
Choudhury, Maulvi Nural Absar. [Chittagong North (Muhammadan).]
Chowdhury, Haji Badi Ahmed. [Chittagong South (Muhammadan).]
Chowdhury, Maulvi Abdul Ghani, B.L. [Dacca West Rural (Muhammadan).]
Clark, Mr. I. A. (Indian Mining Association.)
Cohen, Mr. D. J. (Nominated Non-official.)
Coppinger, Major General W. V., C.I.E., D.S.O., M.D., F.R.C.S.I., I.M.S. (Nominated Official.)
Cooper, Mr. C. G. (Indian Jute Mills Association.)

D

Dain, Mr. G. R., C.I.E. (Bengal Chamber of Commerce.)
Das, Babu Satyendra Kumar. [Dacca City (Non-Muhammadan).]
Das, Rai Bahadur Kamini Kumar, M.B.E. [Chittagong (Non-Muhammadan).]
Dash, Mr. A. J. (Nominated Official.)
Dutt, Rai Bahadur Dr. Haridhan. [Calcutta Central (Non-Muhammadan).]

E

Easson, Mr. G. A. (Nominated Official.)
Eusufji, Maulvi Nur Rahman Khan. [Mymensingh South-West (Muhammadan).]

F

Faroqui, the Hon'ble Khan Bahadur K. G. M. [Minister.] [Tippera South (Muhammadan).]
Faweus, Mr. L. R. (Nominated Official.)
Fazlullah, Maulvi Muhammad. [Noakhali West (Muhammadan).]
Forrester, Mr. J. Campbell. [Presidency and Burdwan (European).]

G

Gangali, Rai Bahadur Susil Kumar. (Nominated Official.)
Ghose, Dr. Amulya Ratan. [Howrah Municipal (Non-Muhammadan).]
Ghose, Rai Bahadur Sasonka Comar, C.I.E. (Dacca University.)
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim, KT. (Member, Executive Council.)
Gilchrist, Mr. R. N. (Nominated Official.)
Goenka, Rai Bahadur Badridas, C.I.E. (Bengal Marwari Association.)
Gordon, Mr. A. D. (Indian Tea Association.)

Guha, Babu Profulla Kumar. [24-Parganas Municipal North (Non-Muhammadan).]
Guha, Mr. P. N. (Nominated Non-official.)
Gupta, Mr. J. N., C.I.E., M.B.E. [Bankura West (Non-Muhammadan).]
Gurner, Mr. C. W. (Nominated Official.)

H

Hakim, Maulvi Abdul. [Mymensingh Central (Muhammadan).]
Haque, Khan Bahadur Maulvi Azizul. [Nadia (Muhammadan).]
Hashemy, Maulvi Syed Jalaluddin. [Khulna (Muhammadan).]
Hoque, Kazi Emdadul. [Rangpur East (Muhammadan).]
Hosain, Nawab Musharruf, Khan Bahadur. [Malda *cum* Jalpaiguri (Muhammadan).]
Hossain, Maulvi Muhammad. [Bakarganj North (Muhammadan).]
Huq, Khan Sahib Maulvi Bazlul. [Noakhali East (Muhammadan).]
Huq, Mr. A. K. Fazl-ul. [Bakarganj West (Muhammadan).]
Hussain, Maulvi Latafat. (Nominated Non-official.)
Hutchings, Mr. R. H. (Nominated Official.)

K

Karim, Maulvi Abdul. [Burdwan Division South (Muhammadan).]
Kasem, Maulvi Abul. [Burdwan Division North (Muhammadan).]
Khan, Khan Sahib Maulvi Muazzam Ali. [Pabna (Muhammadan).]
Khan, Maulvi Tamizuddin. [Faridpur South (Muhammadan).]
*Khan, Mr. Razaur Rahman, B.L. [Dacca East Rural (Muhammadan).]

L

Lal Muhammad, Haji. [Rajshahi South (Muhammadan).]
Law, Mr. Surendra Nath. (Bengal National Chamber of Commerce.)
Luke, Mr. N. R. (Indian Jute Mills Association.)

M

Maguire, Mr. L. T. (Anglo-Indian.)
Maiti, Mr. R. [Midnapore South (Non-Muhammadan).]
Marr, the Hon'ble Mr. A., C.I.E. (Member, Executive Council.)
McCluskie, Mr. E. T. (Anglo-Indian.)
Miller, Mr. C. C. (Bengal Chamber of Commerce.)
Mittra, Babu Sarat Chandra. [24-Parganas Rural Central (Non-Muhammadan).]

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* Deputy President, Bengal Legislative Council.

Mitter, the Hon'ble Sir Provash Chunder, KT., C.I.E. (Member, Executive Council.)
Mookerjee, Mr. Syamaprosad, Bar.-at-Law. (Calcutta University.)
Mukherji, Rai Bahadur Satish Chandra. [Hooghly Rural (Non-Muhammadan).]
Mukhopadhaya, Rai Sahib Sarat Chandra. [Midnapore South-East (Non-Muhammadan).]
Mullick, Mr. Mukunda Behary. (Nominated Non-official.)

N

Nag, Babu Suk Lal. [Khulna (Non-Muhammadan).]
Nag, Mr. K. C., M.B.E. (Nominated Official.)
Nag, Reverend B. A. (Nominated Non-official.)
Nandy, Maharaja Sris Chandra, of Kassimbazar. (Bengal National Chamber of Commerce.)
Nazimuddin, the Hon'ble Mr. Khwaja, C.I.E. [Minister.] [Bakarganj South (Muhammadan).]
Norton, Mr. H. R. (Calcutta Trades Association.)

O

Ormond, Mr. E. C. [Presidency and Burdwan (European).]

P

Philpot, Mr. H. C. V. (Nominated Official.)
Poddar, Mr. Ananda Mohan. (Bengal Mahajan Sabha.)
Poddar, Seth Hunuman Prosad. [Calcutta West (Non-Muhammadan).]
Prentice, the Hon'ble Mr. W. D. R., C.I.E. (Member, Executive Council.)

R

Raheem, Mr. A., C.I.E. [Calcutta North (Muhammadan).]
Rahman, Maulvi Azizur. [Mymensingh North-West (Muhammadan).]
Rahman, Mr. A. F. [Rangpur West (Muhammadan).]
Rahman, Mr. A. F. M. Abdur. [24-Parganas Rural (Muhammadan).]
Raikat, Mr. Prosanna Deb. [Jalpaiguri (Non-Muhammadan).]
Rai Mahasai, Munindra Deb. [Hooghly Municipal (Non-Muhammadan).]
Ray, Babu Khetter Mohan. [Tippera (Non-Muhammadan).]
Ray, Babu Nagendra Narayan, B.L. [Rangpur East (Non-Muhammadan).]

Ray, Kumar Shib Shekhareswar. (Rajshahi Landholders.)
Ray, Maharaja Jagadish Nath, of Dinajpur. [Dinajpur (Non-Muhammadan).]
Ray, Mr. Shanti Shekhareswar, M.A. [Malda (Non-Muhammadan).]
Ray Chaudhuri, Mr. K. C. (Nominated Non-official.)
*Ray Chaudhuri, the Hon'ble Raja Sir Manmatha Nath, KT., of Santosh. (Dacca Landholders.)
Ray Chowdhury, Babu Satish Chandra. [Mymensingh East (Non-Muhammadan).]
Reid, Mr. R. N., C.I.E. (Nominated Official.)
Rout, Babu Hoseni. [Midnapore North (Non-Muhammadan).]
Roy, Babu Haribansa. [Howrah Rural (Non-Muhammadan).]
Roy, Babu Jitendra Nath. [Jessore North (Non-Muhammadan).]
Roy, Babu Satyendra Nath. [24-Parganas Municipal South (Non-Muhammadan).]
Roy, Mr. D. N., Bar-at-Law. [Jessore South (Non-Muhammadan).]
Roy, Mr. Saileswar Singh. [Burdwan North (Non-Muhammadan).]
Roy, Mr. Sarat Kumar. (Presidency Landholders.)
Roy, the Hon'ble Mr. Bijoy Prasad Singh. [Minister.] [Burdwan South (Non-Muhammadan).]
Roy Choudhuri, Babu Hem Chandra. [Noakhali (Non-Muhammadan).]

S

Saadatullah, Maulvi Muhammad. [24-Parganas Municipal (Muhammadan).]
Sahana, Babu Satya Kinkar. [Bankura East (Non-Muhammadan).]
Salauddin, Mr. Khwaja. [Dacca City (Muhammadan).]
Samad, Maulvi Abdus. [Murshidabad (Muhammadan).]
Sarkar, Sir Jadunath, KT., C.I.E. (Nominated Non-official.)
Sarker, Rai Sahib Rebati Mohan. (Nominated Non-official.)
Sen Gupta, Dr. Naresh Chandra. [Mymensingh West (Non-Muhammadan).]
Sen, Rai Sahib Akshoy Kumar. [Faridpur North (Non-Muhammadan).]
Shah, Maulvi Abdul Hamid. [Mymensingh East (Muhammadan).]
Singha, Mr. Arun Chandra. (Chittagong Landholders.)
Singh, Srijut Taj Bahadur. [Murshidabad (Non-Muhammadan).]
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur. (Burdwan Landholders.)
Sircar, Dr. Sir Nilratan, KT., M.D. [Calcutta South (Non-Muhammadan).]
Smith, Mr. R. (Bengal Chamber of Commerce.)
Solaiman, Maulvi Muhammad. [Barrackpore Municipal (Muhammadan).]

* President of the Bengal Legislative Council.

Stapleton, Mr. H. E. (Nominated Official.)
Stronach, Mr. K. F. G. [Dacca and Chittagong (European).]
Suhrawardy, Mr. H. S. [Calcutta South (Muhammadan).]
Sumner, Mr. C. R. (Bengal Chamber of Commerce.)
Swan, Mr. J. A. L., C.I.E. (Expert, Nominated.)

T

Thompson, Mr. W. H. (Bengal Chamber of Commerce.)
Travers, Mr. W. L., C.I.E., O.B.E. [Rajshahi (European).]

THE BENGAL LEGISLATIVE COUNCIL PROCEEDINGS.

(Official Report of the Thirty-sixth Session.)

Volume XXXVI—No. 1.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Monday, the 9th February, 1931, at 3 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh), in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers, and 122 nominated and elected members.

Oaths or affirmations.

The following members made an oath or affirmation of their allegiance to the Crown:—

Major General W. V. COPPINGER, C.I.E., D.S.O., M.D., F.R.C.S.I., I.M.S.

Mr. R. N. REID, C.I.E.

Mr. K. C. NAG, M.B.E.

Mr. E. N. BLANDY.

Mr. L. R. FAWCUS.

Mr. H. C. V. PHILPOT.

Mr. R. N. GILCHRIST.

Mr. KHWAJA SALAUDDIN.

Mr. C. C. MILLER.

Panel of Chairmen.

Mr. PRESIDENT: In accordance with the provisions of Rule 3 of the Bengal Legislative Council Rules, 1920, I nominate the following members of the Council to form a panel of four Chairmen for the ensuing session :—

(1) Mr. W. L. TRAVERS, C.I.E., O.B.E.

(2) Mr. A. F. RAHMAN.

(3) Mr. B. C. CHATTERJEE, Bar.-at-Law.

(4) Rai Bahadur KESHAB CHANDRA BANERJI.

Unless otherwise arranged, the senior member among them present in the above order will preside over the deliberations of this Council in my absence and in the absence of the Deputy President.

Election to the Court of the Indian Institute of Science at Bangalore.

Mr. PRESIDENT: Gentlemen, the Government of India issued a notification in 1926 embodying the schemes for the administration and management of the properties and funds of the Indian Institute of Science, Bangalore. An extract from the scheme is being circulated to you.

In accordance with Regulation 8, clause fourteenthly this Council is to send one nominee to the Court of the Institute. It would appear that our nominee need not necessarily be a member of the Council.

In 1926 late Babu Surendra Nath Ray of Behala was elected by this Council. The term of office of a member of the Court is five years. The Director of the Institute has asked us to nominate a substitute.

I am to request you, gentlemen, to send in your nominations addressed to the Secretary, duly seconded by some other member, and in so doing each proposer should ascertain previously whether his nominee is willing to serve on the Court. Such nominations should reach the Secretary to the Council by 3 p.m., on the 16th instant and the election, if any, will be held at 2-15 p.m., on the 18th instant.

[At 3-15 p.m. the Registrar to the Council announced to the Hon'ble the President that His Excellency the Governor was without. The Hon'ble the President then left his seat on the *dais* and met His Excellency under the small dome in the vestibule. His Excellency then entered the Council Chamber with the Hon'ble the President, and, at the request of the Hon'ble the President, took his seat in the Presidential Chair, the Hon'ble the President being seated on His Excellency's right.]

His Excellency the Governor's Address.

HIS EXCELLENCY the GOVERNOR of BENGAL (the Right Honourable Sir Francis Stanley Jackson): Gentlemen, I think I have more than the customary reasons for wishing to take advantage of my privilege of addressing the Council to-day. The Council meets under new and unaccustomed conditions and hon'ble members may experience a sense of satisfaction, and indeed exhilaration, which comes with the knowledge that one has passed from the temporary and transitional to the permanent. Whilst the Council met in the old building over the way, with all its associations with the changing life in Calcutta, it was linked with the memories of the past which it was itself transforming; but whilst so housed it could hardly feel its own significance. Under the new conditions it should gain confidence in itself through the knowledge that this is a permanent legislative institution, suitable and ready for those developments and expansions which in due course must ensue.

The occasion is then indeed a historic one. The Council history of the last ten years, during its occupancy of the Town Hall, provides the preface, and, as must be, working under conditions of unaccustomed responsibilities, the record of success has been a varying one. To-day you will meet to do your work under new conditions and more congenial surroundings, which should be an inspiration for greater Parliamentary achievement.

The surroundings in which one works must have an influence upon the results. It is possible, and indeed probable, that in the course of a short period this Council of Bengal will settle down in this building under a system of autonomous Government, carrying the weight of far greater responsibility than the people of India have ever known before, and begin to write the first chapter of its Parliamentary administration. In most Parliamentary Governments, in various countries in the world, tradition plays an important part. Parliamentary tradition you, in Bengal, have in the main still to make. Perhaps you will not regard it as out of place if one who has had a good number of years of continuous Parliamentary life suggests that it should be the first object of every one who is privileged to be a member of this Council, to do his utmost to assist in building up that sound Parliamentary tradition which is a necessary safeguard for democratic institutions. Traditionalism is strongly marked in every sphere of life in Bengal. Much that is written in Parliament is as an inscription on sand which disappears with the next tide; but that which is written in obedience to the higher law and the noblest aim, in the interests of Bengal, will remain and be handed down to posterity as an indelible tradition. Tradition must be tested by experience and the only tradition worth retaining is that which

experience has shown to be worthy and reliable: for changing conditions often cause tradition to become anomalous and out-of-date, and tradition, blindly followed, may prove a hindrance and embarrassment rather than an assistance.

Gentlemen, before coming to the business of the session, I have a message from the Viceroy which he has asked me to deliver to you on this historic occasion:

"I would ask you to convey to the members of the Bengal Legislative Council my warm congratulations on the occasion of the opening of their new Council Chamber. I trust that it may long be the home of wise deliberation, and of constant endeavour to promote the true welfare of the great Presidency of Bengal."

You will be asked in this session to consider fresh legislation in connection with Local Self-Government. Bills will be presented dealing with the amendment of the Calcutta Improvement Act and the amendment of the Asansol Mining Settlement Act. You also have before you a State Aid to Industries Bill. In view of the number of private Bills a considerable amount of time has had to be allotted for non-official business—a fact which shows a commendable interest and activity in legislation on the part of private members.

If there is a matter for regret in connection with the opening of this House to-day, it is the unsatisfactory financial and economic position with which we are faced in Bengal at the moment. It is a fact, though by no means a cause for satisfaction, that the trouble extends not only to the rest of India, but throughout the world. Though our troubles are mainly due to world-wide economic distress, it is not possible to ignore the additional damaging effect of the civil disturbance which has unfortunately pervaded the country during the last twelve months, and is bound to re-act with special hardship upon the very poor.

My Government has been much pre-occupied with the conditions prevailing in this Presidency owing to the exceptionally low price of two of our staple crops—rice and jute.

Many suggestions have reached Government as to how they might assist in remedying the underlying cause and also for relieving the economic position. Government have also conferred with representatives of various interests concerned. So far they have not been convinced that legislative action is advisable or would be productive of practical results. Government have, however, organised a propaganda campaign with the object of persuading the cultivators of the necessity of immediate crop restriction. Reports indicate that the propaganda is reaching the cultivators and I suggest that it is highly desirable that Government's efforts should have the active support of hon'ble members and others of influence in the various districts concerned. Meanwhile,

Government are endeavouring to meet immediate distress by means of agricultural loans and by assistance to public bodies who have undertaken relief work. It is a matter of satisfaction to know that the Government of India have decided to accept and give effect to the recommendations of the Royal Commission on Agriculture and to set up a Central Jute Committee representative of the various interests concerned.

I do not wish to anticipate the Budget statement of the Hon'ble Finance Member which he will make in this House in the course of this month, but I am, perhaps, not encroaching on his prerogative by referring to the serious shrinkage in revenue with the consequent prospect of a deficit of possibly over Rs. 50 lakhs as against budget anticipations.

In the circumstances Government have found it necessary to resort to drastic retrenchment, with the result that many desirable and urgent projects must be postponed and many deserving bodies must be deprived of assistance. We cannot but sympathise with the Hon'ble Ministers when their time is spent in searching for possible sources of retrenchment rather than in the more pleasant and profitable task of formulating schemes of a constructive nature. It is possible that my hon'ble friends find it irksome to have to labour at such a disappointing task and to content themselves with the ordinary administrative work which their various departments demand. However, to meet this unfortunate situation, to which it is difficult definitely to ascribe the cause, the Hon'ble Ministers have laboured with great self-sacrifice and courageously faced realities in order to enable Government to meet the future which, I feel sure, must contain the promise of better time, and also to help the financial position which, though somewhat impaired, is still sound.

In these difficult and anxious times I have seen with much pleasure a notice of a motion standing in the name of Mr. S. M. Bose which I feel, augurs well for the future, and which will at once give this Council the opportunity of which they will not fail to take advantage of registering their appreciation of the results of the Round Table Conference held in London. I feel that you will not misunderstand me when I suggest that a duty rests upon every member of this House to study with care, and, as far as possible, without prejudice, the statement of the Prime Minister made at the termination of the Conference. That statement presents the conclusions of His Majesty's Government as to the lines of advance to responsibility which the future Constitution for India should follow as a result of the discussions at the Conference. It is inconceivable to me that any man, either inside this House or out of it, will refuse, after fair study, to see in these proposals at least a fruitful basis for further discussion.

It cannot be too strongly emphasised that the next stage in settlement rests with India. Upon the foundation laid in London the superstructure of new forms of [illegible] has to be erected. That cannot

be done unless all parties and leaders in India are willing to apply themselves to the work. At this moment His Majesty's Government is considering the means by which the labours of the Conference can be brought to fruition. There is no stage in the process that does not call for the best help of all enlightened men in India.

I am not without hope that in the near future this assistance will be readily forthcoming and I think that in this honourable task of framing the constitution under which the safety, honour and welfare of India and her people must be assured, Bengal will lend a willing hand (Applause).

[His Excellency the Governor then left the Council Chamber, preceded by the Hon'ble the President.]

(On the return of the Hon'ble the President.)

New Council House.

Mr. PRESIDENT: Gentlemen of the Council, to-day I am really prouder than ever of my privilege to fill the Presidential Chair of this Council and to preside over its deliberations. This day is a red-letter day in our annals. To-day, for the first time in our career as a legislative body, we are holding our meeting in the new "Council House," which is going to be our permanent home. To-day for the first time, we have got access to this magnificient chamber to do the King's business and the people's business and to exercise within its walls our undoubted rights and privileges. It is natural that so solemn an occasion will thrill us through and through and inspire us to approach our task with fresh vigour and enthusiasm. In any case, I feel it to be my duty to ask you, before we commence our business of the day, to realise that the sanctity of our new home is in our keeping. It is a most sacred trust that could be reposed in us and it is incumbent on us to sealously guard it and to keep it untarnished for all time.

You all know, that the Town Hall, where we used to meet before, has a glorious history of its own. That history was made by the best minds among Indians and Britishers. It rests with us and with those who will come after us, to make a history for our new home, based broad and deep upon Parliamentary traditions of the noblest type. I know that these are plants of slow growth, but we must toil from the very beginning and prepare our soil for such delicate plants to shoot up and bear fruit. Patience, as you all know, is a great virtue and discipline has its chastening effect. During the last four or five years that I have been President of this Council, I have striven hard to establish real traditions in Parliamentary Government, so far as this Council is concerned. I do hope that in the future it will be our privilege to do much good work together in this direction. I feel within my heart of hearts that we are making a very fair start to-day and that the "Council House" has been opened under happy auguries.

You will, perhaps, say that the death of Pandit Motilal Nehru, which melancholy event took place only the other day, has cast a gloom on our minds and that we are still under the shadow of that sorrow. It may be so; for, he was really a self-less patriot and a great constitutionalist. As a statesman of masculine intellect, robust optimism and rare personality, he was admired by both Indians and Britishers in this country. Bengal, like every other part of India, mourns his loss; but, we must learn to look for the permanent in the mutable and fleeting. If our bark sink it is to the next sea. In any case, we must not allow our sorrow to crush the new spirit which has come to dwell within us to-day, on account of the new environment. I, therefore, invite you, gentlemen, to engage yourselves in the work that lies before you with unbending will to reach the goal.

The Hon'ble Mr. A. MARR: I have much pleasure in taking this opportunity of congratulating you, Sir, and all the members of this Council on coming into possession of our own. For more years than we care to think about now, ever since the Reformed Constitution came into being, we have laboured as best we could in a most unsuitable building with very bad acoustics and in most unsuitable surroundings.

However, I as one of the older members of this House—I was going to say the oldest, but my friend here has just come back from the Round Table Conference in time to forestall me—can testify that these years of discomfort have been most patiently borne by non-official and official members alike, as we knew that we had our ultimate home to look forward to. That time has now come, to-day we have entered into occupation, and I am very glad, Sir, to take this opportunity of felicitating you, Sir, and ourselves on this occasion when this building has been so auspiciously opened by His Excellency the Governor.

Starred Questions

(to which oral answers were given).

Release of prisoners for relieving congestions in Jails.

***1. Mr. NARENDRA KUMAR BASU:** Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state how many prisoners convicted of crimes of non-political nature have been released from Bengal jails during the last six months before the expiry of their sentences to make room for so-called political prisoners?

MEMBER in charge of POLITICAL (JAILS) DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): In order to relieve congestion in prisons 1,388 convicts were released under the orders of Government before the expiry of their sentences.

Mr. P. BANERJI: Will the Hon'ble Member be pleased to state as regards the number of convicts so released, whether their sentences were for a long period or a short one?

The Hon'ble Sir PROVASH CHUNDER MITTER: I want notice.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Member be pleased to state whether before coming to a decision Government were satisfied that the release of convicts before the expiry of their sentences would not affect public peace and tranquillity?

The Hon'ble Sir PROVASH CHUNDER MITTER: Yes.

Cost incurred intimating the change of address of the Hon'ble Minister of Education.

*2. **Mr. NARENDRA KUMAR BASU:** Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(i) what expenditure was incurred by the Bengal Secretariat Press for printing the letter intimating the change of address of the Hon'ble Minister in charge of the Education Department; and

(ii) the amount spent in Service stamps for the issue of the same?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Mr. Khwaja Nazimuddin): (i) Rs. 2-4.

(ii) Rs. 2-8.

Mr. P. M. GUHA: Will the Hon'ble Minister be pleased to state whether any member of Government had at any time taken advantage of Government money for this sort of business?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: As a matter of fact it was due to a mistake on the part of the clerk. But I consider this a legitimate charge on the provincial revenues.

Appointment of a Secretary to the Government from [illegible] of Provincial Services.

*3. **Mr. NARENDRA KUMAR BASU:** (*a*) Is the Hon'ble Member in charge of the Appointment Department aware that no member of the Provincial Services in Bengal holding a listed post has ever been appointed a Secretary to the Government?

(*b*) Is there any bar to such an appointment being made?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble Member be pleased to state why no such appointment has been made?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) It is not a fact.

(*b*) No.

(*c*) Does not arise.

Country liquor shop at 88, Garden Reach Road, Kidderpore.

*4. **Rai Bahadur Dr. HARIDHAN DUTT:** (*a*) Is the Hon'ble Minister in charge of the Agriculture and Industries (Excise) Department aware that the country liquor shop at 88, Garden Reach Road, Kidderpore, is situated only about 35 yards away from the Dockyard gate, 45 yards from Messrs. John King & Co.'s Factory, 35 yards from the Port Commissioners' Workshop, about 225 yards from the workshop of Messrs. Cox & Kings (Agents), Ltd., and 270 yards from the workshop of Messrs. Steel Products, Ltd.?

(*b*) Is the Hon'ble Minister aware that the Collector of Excise has obtained objections to the above location of the grog shop from the Commissioners for the Port of Calcutta, Messrs. John King & Co., Ltd., Steel Products, Ltd., and Cox & Kings (Agents), Ltd., as well as from the people of the locality?

(*c*) Is the Hon'ble Minister aware of a feeling that exists that the presence of this grog shop in the industrial area places temptation in the way of the workmen and is prejudicial to the physical, moral and economical well-being of the poor and illiterate labouring classes?

(*d*) Is the Hon'ble Minister considering the desirability of removing the liquor shop to another site where no such objections to it can be raised? If so, when?

MINISTER in charge of AGRICULTURE and INDUSTRIES (EXCISE) DEPARTMENT (the Hon'ble Mr. Bijoy Prasad Singh Roy): (*a*) Yes: the facts as stated are substantially correct.

(*b*) Yes.

(*c*) Government are not aware of any such feeling in the locality.

(*d*) The Licensing Board at a meeting held in December, 1930, directed the licensee to find another site, on the Munshiganj Road, in the same locality after the 1st March, 1931.

Rai Bahadur Dr. HARIDHAN DUTT: If Government is not aware of any feeling in the locality, then why has this action under (*d*) been taken?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: It has been taken only in the interests of the public.

Overseers and sub-overseers of the district boards.

*5. **Khan Sahib Maulvi BAZLUL HUQ:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether equal scale of pay and allowances is granted to all the overseers and sub-overseers by all the district boards of the province and what is the minimum qualification for these posts of different cadres of services?

(*b*) If the minimum qualification for these posts be the same and the scale of pay for them be different, what is the reason for such difference?

(*c*) What is the minimum qualification required of the same kind of officers in the Public Works Department, and what was their scale of pay before revision and now after revision?

(*d*) Are the Government considering the desirability of prescribing uniform rates of pay of these officers in all the district boards in accordance with the scales allowed in the Public Works Department?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Mr. Bijoy Prasad Singh Roy): (*a*) Qualifications of Subordinate Engineering staff of district boards are prescribed in notification No. 497-T.-L.S.-G., dated 23rd October, 1922, as amended by notification No. 1934 L. S.-G., dated 30th June, 1926, copies of which are laid on the table.

There is no uniform scale of pay and allowances for overseers and sub-overseers of district boards.

(*b*) The power to fix the salaries of these officers rests with district boards, subject to the approval of the Commissioner under section 33 of the Local Self-Government Act, III of 1885, to appointments the monthly salary of which amounts to Rs. 100 or more.

(*c*) A statement is laid on the table.

(*d*) No.

Notification referred to in the answer to clause (a) of starred question No. 5.

I.

NOTIFICATION.

Minister-in-charge: The Hon'ble Sir S. N. Banerjea, Kt.

No. 497-T. L. S.-G.—The 23rd October, 1922.—In exercise of the power conferred by clause (*g*) of section 138 of the Bengal Local Self-Government Act, 1885 (Bengal Act III of 1885), the Government of Bengal (Ministry of Local Self-Government) are pleased to make the following amendments in the rules published under notification No. 3334 L. S.-G., dated the 20th December, 1901, at pages 293-305 of the *Calcutta Gazette* of the 25th idem, as subsequently amended, namely:—

Substitute the following for rule 7:—

7. The Subordinate Engineering staff of the District Engineer will consist of three classes, viz: (i) Upper Subordinates (including Sub-Engineers and Supervisors), (ii) Overseers, and (iii) Sub-Overseers.

(1) A candidate for employment as an Upper Subordinate must be qualified in one of the manners following, that is to say, he must hold—

(*a*) an Upper Subordinate or Sub-Engineer certificate of the Joint Technical Examination Board; or

(*b*) a certificate from the Principal, Bengal Engineering College, that, prior to 1909, he served his full apprenticeship there, and passed the final examination qualifying him for employment in the Public Works Department as an Upper Subordinate and Foreman Mechanic; or

(*c*) a certificate from the head-master of the Dacca School of Engineering (now styled Principal of the Ashanulla School of Engineering, Dacca) that, prior to 1909, he has qualified from that institution as an Upper Subordinate and Foreman Mechanic; or

(d) a certificate that he has passed the F.E. Examination of the Calcutta University; or

(e) a certificate that he passed the third-year examination in the Engineering Branch of the Engineering Department, or the third-year examination of the Civil Engineer class of the Bengal Civil Engineering College, and qualified in the college workshop tests; or

(f) a certificate from the Chief Engineer, given within five years from the time of making his application, that he had been examined and found to possess the knowledge prescribed in the Public Works Department Code, volume I, chapter II, paragraph 186 (ninth edition), and was qualified to be an Upper Subordinate of the Public Works Department: or

(2) A candidate for employment as an overseer must be qualified in one of the manners following, that is to say, he must hold—

(a) an Overseer certificate of the Joint Technical Examination Board; or

(b) a certificate from the Principal, Bengal Engineering College, or the head-master of the Dacca School of Engineering (now styled Principal of the Ashanulla School of Engineering, Dacca), or the Principal of the Bihar School of Engineering that, prior to 1909, the candidate passed the annual examination held at the end of three and a half years of the courses for apprentices, and that he possesses the qualifications of a third grade overseer in the Public Works Department; or

(c) a certificate from the Principal of the Bengal Engineering College that, prior to 1909, the candidate passed the second-year examination of the Engineering Department of that college; or

(d) a certificate from the Principal of the Bengal Engineering College, that he passed the Intermediate Examination in Engineering of the Calcutta University or the second-year examination of the Engineering Department or of the Civil Engineer class, Bengal Civil Engineering College, and qualified in the college workshop tests of the first and second years; or

(e) a certificate of fitness from the Inspector of Local Works or Superintending Engineer.

(3) A candidate for employment as a sub-overseer must be qualified in one of the manners following, that is to say, he must hold—

(a) the Sub-Overseer or Lower Subordinate certificate of the Joint Technical Examination Board; or

(*b*) a certificate from the Principal, Bengal Engineering College, or the Principal of the Bihar School of Engineering that, prior to 1909, the candidate passed the annual examination held at the end of the second-year of the course for apprentices; or a certificate from the head-master of the Dacca School of Engineering (now styled Principal of the Ashanulla School of Engineering, Dacca) that, prior to 1909, he passed the final examination at the end of the third-year of the course for sub-overseers, and that he possesses the qualifications required of a sub-overseer in the Public Works Department; or

(*c*) a certificate of fitness from the Inspector of Local Works or Superintending Engineer; or

(*d*) a certificate from the head-master of the Dacca School of Engineering (now styled Principal of the Ashanulla School of Engineering, Dacca), or the head-master of the Cuttack Survey School that, prior to 1915, he passed the final examination held at the end of the second-year course, or a certificate from the head-master of the Dacca Survey School or the head-master of the Patna Survey School that, prior to 1899, he passed the final examination at the end of the second-year course; or

(*e*) a certificate of fitness from the Engineer not below the rank of Executive Engineer or District Engineer in whose division or district he has been serving as road sarkar for a period of not less than five years.

S. W. Goode,

Secretary to the Government of Bengal (offg.).

II.

NOTIFICATION.

No. 1934 L. S.-G.—The 30th June, 1926.—In exercise of the power conferred by clause (*g*) of section 138 of the Bengal Local Self-Government Act of 1885 (Ben. Act III of 1885), the Governor in Council is pleased to make the following amendments in rule 7 of the rules published under notification No. 3334 L. S.-G., dated the 20th December, 1901, at pages 293-305 of the *Calcutta Gazette* of the 25th idem, as subsequently amended by notification No. 497-T.-L. S.-G.,

dated the 23rd October, 1922, published at pages 1950-51 of the *Calcutta Gazette* of the 1st November, 1922, namely:—

(1) The first paragraph of rule 7 shall be re-numbered as sub-rule (1) and sub-rules (1), (2) and (3) of the said rule shall be re-numbered as sub-rules (2), (3) and (4), respectively.

(2) For clause (*a*) of sub-rule (2) of the said rule as re-numbered *substitute* the following, namely:—

"(*a*) A Public Works Department Honours Grade or Overseer certificate of the Overseer Examination Board, or."

(3) In clause (*f*) of the same sub-rule—

(*a*) for the words "Upper Subordinate" *substitute* the word "Overseer";

(*b*) *omit* the word "or" at the end of this clause; and

(*c*) *insert* the following at the end of this clause, namely:—

"Provided that no person shall be eligible for such examination unless he has served for a period of not less than three years as an overseer and produces a certificate from the District Engineer under whom he is employed that he is qualified for promotion and that the District Engineer is prepared to appoint him in the higher capacity should a vacancy occur in his own district."

(4) For clause (*a*) of sub-rule (3) of the said rule as re-numbered *substitute* the following, namely:—

"(*a*) A District Board Overseer certificate of the Overseer Examination Board, or."

(5) At the end of clause (*e*) of the same sub-rule *insert* the following, namely:—

"Provided that no such certificate shall be granted unless the candidate has served for at least five years as a Sub-Overseer and obtains a certificate from the District Engineer under whom he is employed that he is qualified for promotion and that the District Engineer is prepared to appoint him in the higher capacity should a vacancy occur in his own district."

(6) For clause (*a*) of sub-rule (4) of the said rule as re-numbered *substitute* the following, namely:—

"(*a*) the Sub-Overseer certificate of the Overseer Examination Board, or."

J. G. DRUMMOND,

Secretary to the Government of Bengal.

Statement referred to in the answer to clause (c) of starred question No. 5 regarding the pay and prospects of overseers and sub-overseers in the Public Works Department.

QUALIFICATIONS.

Sub-overseers are not now-a-days appointed to the Public Works Department. Members of the Subordinate Engineering Service are styled Overseers. The minimum qualifications required of a candidate for the Subordinate Engineering Service are that he should be one of the first 12 students domiciled in Bengal, who pass the Overseer examination of the Overseers Examination Board from the Ashanulla School of Engineering, Dacca, and who has undergone 17 months' practical training in the Public Works Irrigation or Public Health Departments and thereafter passed the Public Works Department practical examination of overseers held at Dacca each year.

PAY.

The scales of pay of overseers and sub-overseers have been last revised from 1st February, 1920. The old Lower Subordinate establishment, before the revision, was graded as follows:—

		Rs.
Sub-overseers, 1st grade	...	50—10—70
Sub-overseers, 2nd grade	...	35—5—45
Sub-overseers, 3rd grade	...	30—5—35

With effect from the said date the above establishment was reorganized by the formation of the Subordinate Engineering Service which carries a time-scale of pay of Rs. 60—5—110 (efficiency bar) —115—5—125—10—225—250 (Selection Grade). An improved time-scale of pay, viz., 50—5/2—100, for Lower Subordinates who were not selected for appointment to the Subordinate Engineering Service was also introduced from the same date. Further recruitment to the latter is, however, stopped.

Proceedings of the meetings of the Bengal Provincial Muhammadan Conference at Chittagong.

***6. Khan Sahib Maulvi BAZLUL HUQ:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether he has got a copy of the proceedings of the meetings of the Bengal Provincial Muhammadan Education Conference held at Chittagong on the 18th and 19th April, 1930?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to lay on the table a statement showing what action, if any, he proposes to take on the following:—

(1) resolution No. 4, about introduction of religious education in all schools;

(2) resolution No. 10, about improvement of Madrasah education (both old and new scheme);

(3) resolution No. 14, about setting apart in the annual budget a definite sum annually for furtherance of Mussalman education;

(4) resolution No. 21, about representation of the Mussalmans in the executive and administrative bodies of the University;

(5) resolution No. 22, about creation of a Faculty of Islamic Studies;

(6) resolution No. 23, about representation of the Mussalmans in the tutorial staff of the Calcutta and Dacca Universities and in all Government colleges and schools;

(7) resolution No. 25, about spending education fund of the district board among the different communities in proportion to their ratio in the population of the district;

(8) resolution No. 30, about fixing the number of Mussalmans in the Training Colleges; and

(9) resolution No. 32, about observing the month of *Ramzan* as holidays and urging the University not to have any examination in that month?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (*a*) Yes.

(*b*) A statement is laid on the table showing the orders passed by Government.

Statement referred to in the answer to clause (b) of starred question No. 6 showing the orders passed by Government.

Resolution 4.—The inclusion in the curriculum of schools of religious instruction will be placed before the Committee on Moslem

educational policy which Government will appoint shortly. Inclusion in the Primary Schools curriculum is already under the consideration of the department.

Resolution 10.—The matter will be placed before the Committee on Moslem educational policy.

Resolution 14.—Modification of the grant-in-aid rules and scholarship rules is under consideration.

Resolution 21.—The resolution has been noted for action when Government will have occasion to consider legislation or amendment of the Regulations of the Calcutta University.

Resolution 22.—Government consider that the University should be addressed by the Secretary of the Conference and do not propose to take any action until the result of the above is known.

Resolution 23.—Government propose to take no action in regard to the Dacca University. Proposals for improving the appointment procedure of the Calcutta University are under consideration. In regard to Government schools and colleges Government are satisfied that the rules of recruitment are working satisfactorily and that no change is required.

Resolution 25.—This will receive attention when the Bengal Rural Primary Education Act is brought into force.

Resolution 30.—Difficulties are at present experienced in filling the vacancies at present reserved for Mussalmans, and it is not proposed to increase reservations.

Resolution 32.—The proposal is under consideration.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Minister be pleased to state with reference to resolution No. 23 why no action is contemplated with regard to the University of Dacca?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: Because we consider that the conditions in the Dacca University are satisfactory.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Minister be pleased to state the number of Muhammadan teachers in the University of Dacca?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I must ask for notice.

Mr. PRESIDENT: Before I allow any more supplementary questions, I should like to remind the House that, to-day, we are going to discuss some very important motions. I, therefore, hope that no time will be killed by unnecessary supplementary questions.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Minister be pleased to state who is considering any proposals regarding change in the appointment procedure of the Calcutta University?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: Calcutta University.

Muhammadans as Honorary Magistrates.

*7. **Maulvi AZIZUR RAHMAN:** (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether it is a fact that there is only one Muhammadan Honorary Magistrate out of the seven Honorary Magistrates at Sherpur Independent Criminal Bench in the district of Mymensingh?

(*b*) Is it a fact that the said Muhammadan Honorary Magistrate is a touring Government official (Sub-Inspector of Schools) and not a local man?

(*c*) If the answers to (*a*) and (*b*) are in the affirmative, will the Hon'ble Member be pleased to state whether the Government are considering the desirability of appointing local non-official Muhammadans as Honorary Magistrates on the population basis?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) Yes.

(*b*) Yes.

(*c*) No.

Arrests and detentions under the Bengal Criminal Law A[illegible] Act.

*8. **Mr. SHANTI SHEKHARESWAR RAY:** Will the Hon'ble Member in charge of the Political Department be pleased to state the number of persons arrested and detained without trial up to date under the Bengal Criminal Law Amendment Act, 1930?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): Four hundred and ninety persons have been arrested, and of these 414 persons are being detained under the Bengal Criminal Law Amendment Ordinance and Act, 1930.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state whether visiting committees have been appointed to look into the grievances of the persons detained?

The Hon'ble Mr. W. D. R. PRENTICE: Committees have been appointed for every jail or other place in which persons are detained under the Bengal Criminal Law Amendment Act.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state if any non-officials have been appointed as members of those visiting committees?

The Hon'ble Mr. W. D. R. PRENTICE: Yes.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state whether any visiting committee has been appointed for the Buxa Fort?

The Hon'ble Mr. W. D. R. PRENTICE: Yes.

Allegations of torture against police officers made by Dr. Narayan Chandra Ray.

*8. **Mr. SHANTI SHEKHARESWAR RAY:** Will the Hon'ble Member in charge of the Police Department be pleased to state the result of inquiry, if any, held in connection with the allegations of torture against the police officers made by Dr. Narayan Chandra Ray, an accused, before a special tribunal?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): No inquiry has been held, inasmuch as the finding of the special tribunal on the allegations was as follows:—

"We have given our careful consideration to these allegations and have no hesitation in dismissing them as false."

Duties assigned to the prisoners of the Hooghly Jail.

*10. **Maulvi ABDUS SAMAD:** (*a*) Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state whether it is a fact—

(*i*) that duties are assigned to the prisoners of the Hooghly Jail in utter disregard of their health and age;

(*ii*) that sometimes prisoners in the Hooghly Jail 50 years old are compelled to work in the oil mill; and

(*iii*) that objections to do so render the prisoners liable to punishment?

(*b*) Is it a fact that sometimes prisoners working in the oil mill are required to work in the garden on Sundays in contravention of the provisions of the Jail Code?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) (*i*) No.

(*ii*) No.

(*iii*) Does not arise.

(*b*) Some prisoners who volunteer to work are allowed to do so and are allowed special remission on this account.

Transfers of the prisoners of the Hooghly Jail.

*11. **Maulvi ABDUS SAMAD:** (*a*) Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state whether it is a fact that since the present Jailer of the Hooghly Jail took charge of this office in July last, there have been frequent transfers of subordinate staff, viz., deputy jailers, assistant jailers and jail clerks?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state what are the reasons for such frequent transfers?

(*c*) Is it a fact that the rule prescribing the maximum period during which a prisoner may be kept employed in an oil mill is not strictly followed in the Hooghly Jail?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Member be pleased to state who is responsible for the violation of the rule?

(*e*) Are the Government considering the desirability of holding an inquiry into the grievances of the prisoners of the Hooghly Jail?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) Transfers have been rather frequent during the last six months.

(*b*) Ordinary course of administration. Services of some were required in newly opened special jails and one assistant jailer was transferred on promotion. Owing to opening of special jails transfers among the subordinate staff of jails have been frequent during this period under orders of the Inspector-General of Prisons.

(*c*) No.

(*d*) Does not arise.

(*e*) No.

Complaint of Abu Mohammad Khan and Subdivisional Officer of Tangail.

***12. Dr. NARESH CHANDRA SEN GUPTA:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state—

(*i*) whether a complaint was lodged by one Abu Mohammad Khan on the 4th August, 1930, in the Court of the Subdivisional Officer of Tangail against several police officers stating that he had been severely assaulted by them at the time of his arrest; and

(*ii*) whether at the time of his examination by the Magistrate he showed him various injuries on his person alleged to have been caused by the assault?

(*b*) Is it a fact that the Subdivisional Officer of Tangail by his order, dated the 4th August, 1930, dismissed the complaint summarily on the ground that the District Magistrate had given instructions that such complaints against the police were to be summarily dismissed outright?

(*c*) Is it a fact that the District Magistrate had issued any such instruction?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Member be pleased to state whether such instructions were issued under the orders of or with the approval of the Government?

(*e*) If the answer to (*d*) is in the negative, will the Hon'ble Member be pleased to state what steps, if any, the Government have taken with regard to the orders of the District Magistrate and the Subdivisional Officer?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) (*i*) Yes.

(*ii*) The Magistrate was shown a medical certificate indicating various injuries. It is not known whether he was shown the actual injuries.

(*b*) Yes.

(*c*) No.

(*d*) Does not arise.

(*e*) As regards the District Magistrate, the question does not arise. As regards the Subdivisional Officer, Government have taken suitable departmental action.

Maulvi SYED MAJID BAKSH: Does the Hon'ble Member mean to say that the Subdivisional Officer made a false statement?

Mr. PRESIDENT: I do not allow that question.

Complaints against police.

***13. Sujjat TAJ BAHADUR SINGH:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether it is a fact that, in pursuance of a confidential circular from the Chief Secretary to the Government of Bengal, the Collectors of districts do not entertain any complaints against the police made by the public?

(*b*) Is it a fact that Mr. Hughes, I.C.S., Subdivisional Officer of Dacca, rejected a certain complaint giving as his reasons the instructions contained in the said letter?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) No.

(*b*) No.

Bengal Local Self-Government Act of 1885.

*14. **Mr. S. M. BOSE:** (a) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether it is a fact that at the Conference of the Chairmen of the district boards and others held last November in Darjeeling, various recommendations for the amendment of the Bengal Local Self-Government Act of 1885 were made to Government?

(b) Will the Hon'ble Minister be pleased to state whether the revision of the Act is under contemplation?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: (a) Yes.

(b) The recommendations made by the Conference are being examined with this object.

Duty on spirits used in the manufacture of toilet preparations.

*15. **Mr. S. M. BOSE:** (a) Will the Hon'ble Minister in charge of the Agriculture and Industries (Excise) Department be pleased to state whether he has considered the question raised by Rai Bahadur Dr. Haridhan Dutt in his token cut motion in the Budget discussion on the 18th March, 1930, and by Dr. Sir Nilratan Sircar in his speech supporting the motion, advocating the lowering of duty on alcohol used for indigenous toilet preparations and industrial purposes?

(b) What action, if any, has been, or is proposed to be, taken with regard to these suggestions?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: (a) and (b) The rate of duty on spirits used in the manufacture of toilet preparations has been reduced from Rs. 21-14 to Rs. 17-8 per Imperial gallon with effect from the 1st December, 1930.

Rai Bahadur Dr. HARIDHAN DUTT: Does the Hon'ble Minister consider this reduction sufficient to meet the object in view?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Yes.

Institution of the Provident Fund in Government Presses.

*16. **Maulvi LATAFAT HUSSAIN:** (a) Is the Hon'ble Member in charge of the Finance Department aware that on the 18th August,

1928, in the course of the debate for the appointment of a committee to inquire into the working of certain presses under the Government he stated that a suitable Provident Fund would be instituted as soon as the decision of the Government of India regarding their press is arrived at?

(*b*) Is the Hon'ble Member aware that the Government of India have arrived at a decision and have instituted a system of Provident Fund in their presses?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Member be pleased to state what action has been taken or is proposed to be taken for the institution of the Provident Fund in the presses under the Bengal Government?

MEMBER in charge of FINANCE DEPARTMENT (the Hon'ble Mr. A. Marr): (*a*) Yes.

(*b*) No, but an inquiry has been addressed to the Government of India.

(*c*) Does not arise.

Recommendations of the Dacca Disturbances Inquiry Committee.

*17. **Mr. SHANTI SHEKHARESWAR RAY:** Will the Hon'ble Member in charge of the Political Department be pleased to state what action, if any, has been taken on the recommendations of the Dacca Disturbances Inquiry Committee, 1930?

The Hon'ble Mr. W. D. R. PRENTICE: The recommendations of the Committee have been the subject of careful consideration by Government in consultation with the officers and departments concerned. Decisions have been reached and suitable action taken on many of the recommendations but not yet on all.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state what action has been taken?

The Hon'ble Mr. W. D. R. PRENTICE: We have taken the opinion of the officers and departments concerned on the recommendations of the committee and we have arrived at certain conclusions.

Mr. SHANTI SHEKHARESWAR RAY: Have the Government any objection to announce their decision?

The Hon'ble Mr. W. D. R. PRENTICE: If the member will state which recommendation he refers to, I shall look up the papers and give him the desired information.

Mr. NARENDRA KUMAR BASU: Is the Hon'ble Member aware that most of the findings of fact of the inquiry committee have been upset by judicial decisions?

The Hon'ble Mr. W. D. R. PRENTICE: No.

Loss of I. S. V. "Condor."

***18. Srijut TAJ BAHADUR SINGH:** Will the Hon'ble Member in charge of the Marine Department be pleased to state—

(*i*) the nature of inquiry that was held by the Government in the sudden loss of the passenger-boat *Condor* with 367 persons in the Meghna in East Bengal in May, last year;

(*ii*) the findings arrived at in that inquiry;

(*iii*) the names of persons who constituted the committee of inquiry;

(*iv*) the date of the appointment of the committee;

(*v*) the year that boat was built;

(*vi*) the year when she was last put up for examination as to her fitness for a voyage; and

(*vii*) the year when she was last put in dry docks?

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Mr. A. Marr): (*i*), (*ii*), (*iii*) The member is referred to the Report of the Marine Court of Inquiry, a copy of which has been placed on the Library table.

(*iv*) 2nd June, 1930.

(*v*) 1897.

(*vi*) 1930.

(*vii*) 1930.

Dacca-Aricha Railway.

*19. **Rai Bahadur KESHAB CHANDRA BANERJI:** (*a*) Will the Hon'ble Member in charge of the Public Works (Railways) Department be pleased to state whether a letter was addressed to the Government of India (Railway Board) in August, 1929, in connection with the proposed Dacca-Aricha Railway?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state whether the views therein expressed are the views of the Government of Bengal?

(*c*) Will the Hon'ble Member be pleased to lay on the table a copy of the said communication as well as of the reply thereto received from the Government of India (Railway Board)?

MEMBER in charge of PUBLIC WORKS (RAILWAYS) DEPARTMENT (the Hon'ble Mr. A. Marr): (*a*) The reply is in the negative.

(*b*) and (*c*) Do not arise.

Mr. L. B. Burrows.

*20. **Babu JITENDRALAL BANNERJEE:** (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to state whether it is a fact that Mr. L. B. Burrows, at present employed as Magistrate and Collector, was originally a member of the Bengal Civil Service as a Sub-Deputy Magistrate?

(*b*) Is it a fact that Mr. Burrows holds at present one of the listed appointments as Magistrate and Collector?

(*c*) Will the Hon'ble Member be pleased to state whether it is in the contemplation of Government to appoint him shortly as Commissioner of a Division?

(*d*) Is it a fact that the listed appointments are intended to facilitate the Indianisation of the services as recommended in the report of the Lee Commission?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) Mr. Burrows entered the Bengal Civil Service as a Deputy Magistrate.

(*b*) Yes.

(*c*) Yes.

(*d*) Yes.

Babu JITENDRALAL BANNERJEE: Will the Hon'ble Member be pleased to state whether Mr. Burrows is an Indian?

Mr. PRESIDENT: I do not allow that question.

Babu JITENDRALAL BANNERJEE: How is the process of Indianisation helped by the appointment of Mr. L. B. Burrows as District Magistrate?

The Hon'ble Mr. W. D. R. PRENTICE: If the member will refer to the Act, he will find that promotion to listed appointments is not confined to Indians. There are certain qualifications stated and the matter was examined in consultation with our legal advisers for many years and we had been advised that Mr. Burrows was eligible for the post in which he is.

Babu JITENDRALAL BANNERJEE: Is not the appointment to these listed posts intended mainly for the purpose of Indianising the services?

The Hon'ble Mr. W. D. R. PRENTICE: Appointments to listed posts are made under the provisions of a section of the Government of India Act. Mr. Burrows was confirmed under those provisions.

Babu JITENDRALAL BANNERJEE: On a point of order, Sir. Was it intended to Indianise the service by this appointment?

Mr. PRESIDENT: You are not allowed to raise a point like that. I cannot permit a discussion on any of the answers that have been given.

Babu JITENDRALAL BANNERJEE: I do not wish to raise any discussion. My question was for some information from the Hon'ble Member. Whether that information is given or not, it is for you to judge. I have asked whether these listed appointments are not intended to Indianise the services.

Mr. PRESIDENT: The answers that are given by the members of Government have got to be taken for what they are worth, and the only remedy that lies with the questioner is to put supplementary questions and clear up any mist that there may be.

Babu JITENDRALAL BANNERJEE: I want the Hon'ble Member to clear up the mist.

The Hon'ble Mr. W. D. R. PRENTICE: Indianisation does not mean the appointment of Indians; it includes the appointment of people who are domiciled in India. If Mr. Bannerjee will read section 99 of the Government of India Act he will find what persons can be appointed to these posts. As we were advised, Mr. Burrows comes within those qualifications.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state how many years Mr. Burrows worked as a District Officer?

The Hon'ble Mr. W. D. R. PRENTICE: I think that he was appointed to the Provincial Civil Service about 25 years back. But if the member will consult the Civil List he will find the information.

Badshahi Road.

*21. **Kazi EMDADUL HOQUE:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether it is a fact that a portion of the Badshahi Road from Gaur to Orissa is used by the people of the villages Serandi, Dandy, Kathari, Khaspur, Argoon, Raikha, Rajoor, Sultanpur, among many others, in the Katwa subdivision?

(*b*) Is the Hon'ble Minister aware that only a *rashi* or two to the south of the flag station, where the Badshahi Road has been intersected by the Ahmadpur-Katwa Railway line, there used to be a pucca bridge over a swampy ditch in the road?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to state whether it is a fact—

(*i*) that the said bridge has been destroyed for want of repair,

(*ii*) that heavy cart traffic passes over that road, and

(*iii*) that the absence of a bridge over the ditch causes endless hardships to the carters and pedestrians?

(*d*) Are the Government considering the desirability of constructing a culvert over the aforesaid ditch?

(*e*) If the answer to (*d*) is in the negative, will the Hon'ble Minister be pleased to state what action, if any, he proposes to take in the matter?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: (*a*) The road described appears to correspond with that scheduled as No. 55 in the records of the Burdwan district board, which do not however serve to verify its terminal points.

(*b*) There is reported to be a channel across the road, but no record remains of the pucca bridge, the district board schedule of 1904, in which the road is first mentioned, referring to pipe culverts.

(*c*) (*i*) There is no bridge in existence.

(*ii*) Traffic is reported not to be heavy here, especially during the rains, as there are other unbridged channels on this road.

(*iii*) There is not much difficulty in the fair weather, but inconvenience is caused in the rainy season.

(*d*) No.

(*e*) The matter rests with the district board who are reported to have no such project before them at present in view of more urgent requirements elsewhere.

Kazi EMDADUL HOQUE: Will the Hon'ble Minister be pleased to state whether Government is aware that half of the body of a cart go under water as well as the bullocks go under water during the rainy season?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I have nothing more to add.

Kazi EMDADUL HOQUE: Will the Hon'ble Minister be pleased to state whether Government desires to take any action in order to remove the inconvenience within a short time?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: It lies with the district board of Burdwan and not with the Government.

Waiting room accommodation at Peer Baksh Hat station.

***22. Khan Sahib Maulvi BAZLUL HUQ:** (*a*) Will the Hon'ble Member in charge of the Public Works (Railways) Department be pleased to state—

(*i*) how many passengers were booked from the Peer Baksh Hat station of the Feni-Balonia Branch of the Assam-Bengal Railway from April, 1930 to September, 1930; and

(*ii*) how many passengers landed at that station during that period?

(*b*) Is it a fact that—

(*i*) there is no waiting room for passengers at that station; and

(*ii*) in consequence, much inconvenience and hardship are felt by both male and female passengers in the sun and during rains?

(*c*) Are the Government considering the desirability of drawing the attention of the Assam-Bengal Railway authorities to the matter?

The Hon'ble Mr. A. MARR: (*a*) (*i*) 22,995 passengers.

(*ii*) 21,102 passengers.

(*b*) (*i*) Yes.

(*ii*) Passengers feel inconvenience for want of a waiting room.

(*c*) The Railway authorities, whose attention has been drawn to the matter, report that the question of waiting room accommodation at Peer Baksh Hat station will receive consideration when funds are available and in turn with other stations on the waiting list.

Piece employees in the presses.

***23. Maulvi LATAFAT HUSSAIN:** (*a*) Will the Hon'ble Member in charge of the Finance Department be pleased to state whether it is a fact that the salaried employees of the presses under the Bengal Government are given a regular increment year by year?

(*b*) Is it a fact that the piece employees of the Bengal Government Press are not allowed any regular increment?

(*c*) If the answers to (*a*) and (*b*) are in the affirmative, will the Hon'ble Member be pleased to state the reasons therefor?

The Hon'ble Mr. A. MARR: (*a*) and (*b*) Yes.

(*c*) The reason is that incremented scales can be applied only to salaried workers.

Piece system in the presses.

***24. Maulvi LATAFAT HUSSAIN:** (*a*) Has the attention of the Hon'ble Member in charge of the Finance Department been drawn to the fact that the Government of India in the Railway Department have abolished the piece system in the East India and Eastern Bengal Railway presses?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state whether it is in the contemplation of Government to abolish the piece system in the presses under the Bengal Government? If not, why not?

The Hon'ble Mr. A. MARR: (*a*) Government have no information.

(*b*) Does not arise.

Mr. H. S. SUHRAWARDY: Is it very difficult for the Hon'ble Member to obtain the necessary information for the benefit of the Council?

The Hon'ble Mr. A. Marr: I can certainly obtain the information for the benefit of the Council if the Council wants it, but as I have explained before, the information, when obtained, will be of no value whatsoever to the Council.

Classification of prisoners.

*25. **Mr. SYAMAPROSAD MOOKERJEE:** (*a*) Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state the principles on which prisoners are classified at the present time?

(*b*) Is it a fact that the Government have issued instructions to the Magistrates in the different parts of the province not to classify prisoners at the time of conviction?

(*c*) Is the Hon'ble Member aware that certain prisoners classified by the Magistrates at the outset as class (1) have been subsequently transferred to class (2) or class (3) without any intimation of such transfer being given to such prisoners?

(*d*) Is the Hon'ble Member aware that in making such transfer the officer or officers responsible have never given effect to the revised rules of the Jail Code in the matter of classification of prisoners?

(*e*) Is the Hon'ble Member aware that the decisions arrived at by such officers contravene rule 625A of the Jail Code in that a person whose social status is high and who has not committed any of the crimes mentioned in section 625A (1) (*iii*) of the Rules has been put in division (2)?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) The criteria as to the classification of prisoners in superior divisions are laid down in Jail Code rule 625A. Prisoners are so classified when the criteria as applied to their cases indicate that such classification is necessary to maintain the health and strength of the prisoner concerned.

(*b*) No.

(c) No such case has been brought to my notice. Whenever Government reviews or confirms the recommendation of a court for classification in a superior division the orders of Government are communicated to the court concerned and the Superintendent of the jail in which the prisoner is confined. The latter officer communicates it to the prisoner.

(d) The question does not arise.

(e) This is not a fact. All persons who are of a status superior to the labouring classes are not as of right entitled to classification in division I as distinct from division II. All cases of recommendation for classification in a superior division are submitted to the local Government for confirmation and review. Cases in which the court classifies the prisoner in division III are not submitted to Government, but the prisoner may appeal through the prison authorities if he so desires.

Police raid inside Calcutta University buildings.

*26. **Mr. SYAMAPROSAD MOOKERJEE:** (a) Will the Hon'ble Member in charge of the Police Department be pleased to state what steps have been taken by the Government in connection with the police raid on the buildings of the Calcutta University in September, 1930?

(b) Is the Hon'ble Member aware that a committee was appointed by the University to inquire into the matter?

(c) If so, what action, if any, have the Government taken on the findings of that committee—

(i) in respect of the incident itself; and

(ii) with a view to prevent the possibility of any recurrence of such incident?

The Hon'ble Mr. W. D. R. PRENTICE: (a) Government have approved of the arrangements arrived at between the Commissioner of Police and the Vice-Chancellor regarding the steps to be taken should the police in future have any cause for complaint regarding occurrences inside University buildings. They have also expressed regret that there appeared to have been a certain lack of discrimination in the force used on that occasion and have taken steps to prevent the recurrence of such an incident.

(b) Yes.

(c) Government were unable to accept all the findings of the committee as correct, but took its report into consideration when deciding upon the action stated in the reply to (a).

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state which findings of the committee Government were nnable to accept?

The Hon'ble Mr. W. D. R. PRENTICE: I have not got a copy of the committee's report, so cannot say off-hand.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state whether Government accepted the opinion of the committee that the action of the Police constituted an outrage on the University and the students thereof, for which there was no justification?

The Hon'ble Mr. W. D. R. PRENTICE: Certainly not.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state if Government accepted the finding of the committee that the excesses committed by the Police were led by an officer of the Police, a Deputy Commissioner?

The Hon'ble Mr. W. D. R. PRENTICE: I must ask the hon'ble member for notice of this.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state if Government accepted the finding of the committee that the story told by the Police regarding brickbats was false?

The Hon'ble Mr. W. D. R. PRENTICE: I want notice of this.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state if Government considered the finding of the committee that reparation was due to the University and the students, and if so, what reparation was given?

The Hon'ble Mr. W. D. R. PRENTICE: I would refer the member to the answer already given.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Member be pleased to state what action has been taken against those officers who have been found guilty of lack of discrimination and of force used?

The Hon'ble Mr. W. D. R. PRENTICE: No officers were identified and no action has been taken.

Mr. SYAMAPROSAD MOOKERJEE: Is it a fact that one of the officers in charge has been rewarded for efficient service?

The Hon'ble Mr. W. D. R. PRENTICE: I am not aware of that.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Member be pleased to state what arrangements have been arrived at between the Commissioner of Police and the Vice-Chancellor?

The Hon'ble Mr. W. D. R. PRENTICE: I forget the exact wording, but it is to the effect, I believe, that the Police should first communicate with the Universiy authorities and ask them to do their best to put a stop to the action complained of.

Prisoners released to relieve congestion.

*27. **Seth HUNUMAN PROSAD PODDAR:** Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state—

(i) the number of ordinary prisoners released before their due time from the different jails of the province during the present civil disobedience movement;

(ii) the number of such prisoners released every month from April to December, 1930;

(iii) the reason for releasing them before the expiry of their term; and

(iv) whether it is a fact that they were released in order to accommodate civil disobedience prisoners?

The Hon'ble Sir PROVASH CHUNDER MITTER: (i) 1,388.

(ii) 1,196 in July and 192 in August 1930.

(iii) To relieve congestion in jails.

(iv) The number of prisoners admitted for offences in connection with the civil disobedience movement was mainly responsible for the congestion.

Seth HUNUMAN PROSAD PODDAR: With reference to item (iii) will the Hon'ble Member be pleased to state whether Government does not think it advisable to release political prisoners instead of ordinary prisoners?

The Hon'ble Sir PROVASH CHUNDER MITTER: No.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state why preference was given to ordinary prisoners in the matter of release?

The Hon'ble Sir PROVASH CHUNDER MITTER: I have nothing further to add.

Unstarred questions

(answers to which were laid on the table).

Electors of the Bengal Legislative Council.

1. **Mr. NARENDRA KUMAR BASU:** Will the Hon'ble Member in charge of the Appointment Department be pleased to state the total number of electors of the Bengal Legislative Council for—

(i) Muhammadan general constituencies; and

(ii) non-Muhammadan general constituencies?

The Hon'ble Mr. W. D. R. PRENTICE: The figures according to the electoral roll when last revised in 1929 are given below:—

(i) 637,444.

(ii) 679,088.

Ghosepara Road.

2. **Mr. C. C. COOPER:** Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state—

(i) when the recommendations of the Bengal Provincial Road Board in regard to Ghosepara Road will be given practical effect to by Government;

(ii) when it is proposed to start work on the road; and

(iii) when the work is likely to be completed?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: (*i*) The Government of Bengal have been informed that their proposal for a grant from the Central Road Fund for the reconstruction of the Ghosepara Road will be placed before the Standing Committee of the Central Legislature on roads at its next meeting.

(*ii*) As soon as possible after the grant is sanctioned.

(*iii*) Does not arise.

Sub-Deputy Collectors.

3. **Maulvi MUHAMMAD FAZLULLAH:** (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to lay on the table a statement showing—

(*i*) the total number of sub-deputy collectors exercising the powers of a Magistrate of first class in the Presidency of Bengal at present; and

(*ii*) the number of sub-deputy collectors exercising first class powers, who have been promoted to the rank of deputy collectors in the course of the last two years 1929 and 1930?

(*b*) Is it a fact that hopes were raised among the sub-deputy collectors with first class powers to give them promotion in the near future?

(*c*) Is it a fact that there is a general discontent among the sub-deputy collectors for not getting the expected promotions?

(*d*) Is it a fact—

(*i*) that the main criterion between the works of a deputy collector and sub-deputy collector has been laid down by the Government to be non-investment of sub-deputy collectors with first class powers; and

(*ii*) all the sub-deputy collectors with first class powers are doing the legitimate work of a deputy collector?

(*e*) Is the Hon'ble Member aware—

(*i*) that chances of promotion of sub-deputy collectors are very few and far between and that there are no officiating appointments for sub-deputy collectors as officiating deputy collectors; and

(*ii*) that there is no practical difference between a sub-deputy magistrate with first class powers and a deputy collector with the same powers?

(*f*) Are the Government considering the desirability of giving the sub-deputy collectors certain working allowances which may count towards pension?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) (*i*) 15.

(*ii*) None.

(*b*) Not in recent years.

(*c*) Government are not aware of this.

(*d*) (*i*) No.

(*ii*) Yes, to a certain extent.

(*e*) (*i*) 50 per cent. of the permanent vacancies in the Bengal Civil Service Executive are filled by promotion from the Bengal Junior Civil Service. There are no officiating promotions.

(*ii*) Yes, so far as the powers of each are concerned.

(*f*) No.

Number of persons detained under the Bengal Ordinance.

4. Srijut TAJ BAHADUR SINGH: Will the Hon'ble Member in charge of the Political Department be pleased to lay on the table a statement showing—

(*i*) the number of persons detained in Bengal under the Bengal Ordinance up to date;

(*ii*) the numbers that are being detained under the Regulations; and

(*iii*) the numbers that are being detained under the Criminal Law Amendment Act?

The Hon'ble Mr. W. D. R. PRENTICE: (*i*) and (*iii*) 414.

(*ii*) Nil.

Council of State Electoral Roll.

5. Srijut TAJ BAHADUR SINGH: Will the Hon'ble Member in charge of the Appointment Department be pleased to state—

(*i*) the special reason or reasons for which an extension of time was allowed in the case of the West Bengal (Muhammadan) Constituency of the Council of State for further modification of the new roll for that constituency; and

(*ii*) the reasons why a similar extension of time to the West Bengal (Non-Muhammadan) Constituency of the Council of State was not granted?

The Hon'ble Mr. W. D. R. PRENTICE: (*i*) An extension of time was allowed under regulation 10 of the Council of State Electoral Rules and Regulations on the request of the Calcutta Majlisa.

(*ii*) Because no request for an extension was received.

Location of Munsifs' courts and Judge's court at Dacca.

6. **Maulvi ABDUL GHANI CHOWDHURY:** (*a*) Is the Hon'ble Member in charge of the Judicial Department aware of the inconveniences of the litigant public of Dacca owing to the distance of the Munsifs' courts from the Judge's court?

(*b*) If so, what steps, if any, have been taken in the matter?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) Yes.

(*b*) A scheme for extension of the Civil Court building at Dacca was sanctioned and Rs. 10,000 were allotted in the current year's budget for preliminary work, but the amount had to be withdrawn owing to the present financial situation.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Member be pleased to state whether it is proposed to make any provision in the budget for this work?

The Hon'ble Mr. W. D. R. PRENTICE: I must ask the member to wait for the budget.

Allegations against the police officer of Kachua, Khulna.

7. **Maulvi LATAFAT HUSSAIN:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether it is a fact that Srimati Nirmal Nalini Roy Choudhurani of Maghia, police-station Kachua, district Khulna, submitted a memorial to the Government making serious allegations against the police officer of Kachua, with a recommendation of Mr. K. C. Ray Chaudhuri, M.L.C., on the 8th August, 1929?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to lay on the table a copy of the memorial?

(*c*) What action, if any, has been taken or is being taken in the matter?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) and (*b*) A petition was received through Mr. K. C. Ray Chaudhuri, M.L.C., who made no recommendation. A copy was laid on the table on 19th March, 1930.

(*c*) The member is referred to the answer given to starred question No. 79 on 19th March, 1930.

Holidays for schools and colleges.

8. **Khan Sahib Maulvi BAZLUL HUQ:** (*a*) Is the Hon'ble Minister in charge of the Education Department aware that the Registrar, Calcutta University, has issued a circular, No. 239, dated the 12th April, 1927, to the heads of recognised non-Government high schools of Bengal stating that the number of holidays referred to in section 35 of the School Code shall not exceed one hundred days (exclusive of Sundays) in a year?

(*b*) Will the Hon'ble Minister be pleased to lay on the table a copy of the said circular?

(*c*) Have the Government taken any steps to raise the number of holidays to the maximum prescribed by the University so that it may be possible to keep schools and colleges closed during the holy Ramzan without curtailing the other public holidays?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (*a*) No.

(*b*) No, as the circular is not issued by Government.

(*c*) No.

Number of Subdivisional Officers in charge of the Kishoreganj subdivision.

9. **Maulvi ABDUL HAMID SHAH:** Will the Hon'ble Member in charge of the Appointment Department be pleased to state—

(*i*) the number of Subdivisional Officers who were in charge of the Kishoreganj subdivision in the district of Mymensingh from the year 1901 to the year 1930; and

(*ii*) how many of them were—

(I) Christians.

(II) Hindus, and

(III) Mussalmans?

The Hon'ble Mr. W. D. R. PRENTICE: (*i*) 26.

(*ii*) (I) 5.

(II) 18.

(III) 3.

Head clerks in the Subordinate Educational Service.

10. Rai Bahadur KESHAB CHANDRA BANERJI: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement showing—

(*i*) the names and designations of head clerks on Rs. 150—10—250 and Rs. 125—10—225 who retired from Government service during the years 1923-30;

(*ii*) the names, pay and designations of the clerks by whom these vacancies were filled up?

(*b*) Will the Hon'ble Minister be pleased to state if seniority of service, particularly in respect of the old Subordinate Educational Service, was taken into consideration in filling up those vacancies? If not, why not?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (*a*) (*i*) and (*ii*) A statement containing the particulars required is laid on the table.

(*b*) One of the posts, viz., the head clerkship of the Presidency College, was advertised and it was filled by the appointment of an experienced clerk of another department on the recommendation of the Governing Body of the College, which was based on a careful consideration of the claims of all the applicants. In regard to the other vacancies the claims of all the eligible clerks of this department were duly considered.

Statements referred to in the answer to clauses (a) (i) and (ii) of unstarred question No. 10.

A

Particulars regarding head clerks in the scales of Rs. 150—10—250 and of Rs. 125—10—225 who retired from Government service during the years 1923-30:—

Serial No.	Name.	Designation.	Pay.	Date of retirement.
			Rs.	
1	Babu Pabitra Kumar Guha.	Head clerk, Bengal Engineering College.	150—10—250.	31st May, 1928.
2	Babu Hara Chandra Majumdar.	Head clerk, Presidency College.	150—10—250.	16th January, 1929.
3	Babu Dwaraka Nath Das.	Head clerk, Inspector of Schools, Rajshahi Division.	125—10—225.	Proceeded on leave preparatory to retirement from 16th May, 1923.
4	Rai Sahib Charu Chandra Ghose.	Head clerk, Inspector of Schools, Burdwan Division.	125—10—225.	30th June, 1929.

B

Particulars regarding clerks by whom the vacancies shown under the heading A were filled up:—

Serial No.	Name.	Designation.	Pay.	Remarks.
			Rs.	
1	Babu Hem Chandra Sen.	2nd clerk, Bengal Engineering College.	100—5—125.	Appointed as head clerk, Bengal Engineering College, in the scale of Rs. 150—10—250 from 1st June, 1928, vice Babu Pabitra Kumar Guha, retired.
2	Babu Surendra Nath Ganguly.	Assistant, Custom House, Calcutta.	60—8—140—6—230.	Appointed as head clerk, Presidency College, in the scale of Rs. 150—10—250 from 16th January, 1929, vice Babu Hara Chandra Majumdar, retired.
3	Babu Lalit Mohun Das.	2nd clerk, Inspector of Schools, Presidency Division.	90—5—120	Appointed as head clerk, Inspector of Schools, Rajshahi Division, from 16th May, 1923, vice Babu Dwaraka Nath Das, retired.
4	Babu Amulya Charan Singha Roy.	2nd clerk, Inspector of Schools, Presidency Division.	90—5—120	Appointed as head clerk, Inspector of Schools, Burdwan Division, from 30th June, 1929, vice Rai Sahib Charu Chandra Ghose, retired.

Recruitment of officers of the Indian Forest Service.

11. Babu SATYENDRA KUMAR DAS: (*a*) Will the Hon'ble Member in charge of the Revenue (Forests) Department be pleased to state—

(*i*) the percentage of recruitment sanctioned by the Lee Commission in the Indian Forest Service—

(*1*) for Indians,

(*2*) for Europeans; and

(*ii*) percentage of Provincial Service officers recommended by the said Commission to be taken into the Imperial Service?

(*b*) What was the percentage of the Provincial Service officers promoted to the Imperial Service before the introduction of the Lee Commission's recommendation?

(c) What is the number of such promoted officers in Bengal?

(d) What is the number of officers admitted into the Imperial Service since March, 1924, in the following capacity:—

(i) European direct recruit,

(ii) Indian direct recruit,

(iii) Promoted Provincial Service officers?

(e) Will the Hon'ble Member be pleased to state why no Provincial Service officers were promoted since 1924 after the introduction of the Lee Commission's recommendation?

(f) Will the Hon'ble Member be pleased to state whether the Provincial Service officers submitted any memorial for stopping the direct recruitment in their favour?

(g) If so, what is the result?

(h) How many direct recruits have been taken after the submission of their memorial?

MEMBER in charge of REVENUE (FORESTS) DEPARTMENT (the Hon'ble Alhadj Sir Abdelkerim Ghuznavi): (a) (i) (1) 75 per cent. for Indians; (2) 25 per cent. for Europeans.

(ii) No percentage of Provincial Forest officers to be promoted to the Imperial Forest Service was recommended by the Lee Commission.

(b) 12½ per cent.

(c) Two.

(d) (i) One; (ii) five; (iii) one.

(e) Because there was no vacancy in the two listed posts in the Imperial Forest Service in Bengal, allotted by the Government of India on the basis of 12½ per cent. promotion of the Provincial Forest Service officers.

(f) The Provincial Forest Service officers of Bengal did not submit any memorial for stopping direct recruitment in their favour but in August, 1928, they submitted a memorial for increasing the proportion of the Provincial Service officers to be promoted to the Imperial Forest Service.

(g) The Government of India have decided that the proportion of listed posts should be increased from 12½ to 25 per cent., but that the increase should be effected gradually.

(h) Two direct recruits have been taken after the submission of the memorial.

Shed for pilgrims at Ramkeli.

12. Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state what action has been taken on the representation of the Ramkeli Sanskar Samiti, Malda, about the construction of a shed for pilgrims at Ramkeli?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Plans and estimates have been received for a project estimated to cost Rs. 6,510 and Government are awaiting information as to what portion of the total cost can be met by the district board and local subscription.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Minister be pleased to state whether the construction of a shed was a legitimate charge on public revenue?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Yes, Government consider this contribution quite legitimate in the interest of public health.

Khan Bahadur Maulvi AZIZUL HAQUE: Will the Hon'ble Minister be pleased to state whether Government has taken the actual figures of pilgrims from the different districts of Bengal before sanctioning the expenditure?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: No.

Grants for the Transferred Departments.

13. Babu SUK LAL NAG: Will the Hon'ble Member in charge of the Finance Department be pleased to state the amounts under the various heads of Provincial expenditure for the Transferred Departments which have lapsed during the six months ending September, 1930, as compared with the amounts budgeted for during the same period?

The Hon'ble Mr. A. MARR: None: grants voted by the Council only lapse at the end of the financial year in so far as they have not been spent.

Alteration in the Programme of Business.

The Hon'ble Mr. A. MARR: Mr. President, with your permission, I should like to announce a slight change in the order of business sanctioned by His Excellency. To-day Government business would ordinarily have gone on till the usual hour of 7-30 p.m., but I find

that this is a very inconvenient hour for all Muhammadan members of Council; it is also inconvenient to-day for European members who have an important meeting to attend this evening. The Hon'ble President has decided to adjourn this afternoon at 5-30 p.m., which means that there will be no time to discuss properly very important motions which will now be moved. His Excellency has, therefore, agreed that the arrangement of business should be altered, and that we should have one more day for the discussion of these motions. This will suit both the Muhammadan members and the European members.

The debate to-morrow will go on till 5-30 p.m. But if it finishes before 5-30, the President will in his discretion call on Government to take up Government business. This means that on the 9th and 10th we shall discuss the motions under Rule 24A, on the 11th, 12th and 13th, we shall take up Government business, on the 16th and 17th non-official members' bills and the 18th and 19th non-official members' resolutions.

Maulvi ABDUL KARIM: With your permission, Sir, on a point of order, the 19th is just before the *Id* day; if the moon is seen on the evening of the 18th, you will not get any Muhammadan member to attend on the 19th.

The Hon'ble Mr. A. MARR: I am afraid I cannot say at present what is going to happen to the moon. I am afraid that if that happens, it will mean that the number of days for resolutions will be cut down to one.

Mr. PRESIDENT: There are as many as three motions under section 78A to which some amendments have been proposed. I want all the motions to be moved one after another in the same order as in the agenda. The amendments may be moved thereafter. I will then have one discussion on all these together in order to save the time of the Council.

Mr. SHANTI SHEKHARESWAR RAY: On a point of order, Sir, the time was so short that we could not bring up any amendments. Will these amendments be accepted now?

Mr. PRESIDENT: I am afraid, not.

Motions under Rule 24A of the Bengal Legislative Council Rules, 1920.

4-30 p.m.

Mr. S. M. BOSE: I beg to move that this Council places on record its appreciation of the Declaration of policy made by the Premier on the 19th January last at the Round Table Conference, laying down

the principle of Responsible Government in the Provinces as well as in the Central Government, as likely to satisfy Indian aspirations; and this Council expresses its willingness to co-operate, through conferences or committees in which it is adequately represented or otherwise, in the working out of the details of the scheme outlined by the Premier.

Mr. President, Sir, may I at the very outset, be permitted to join you in paying our tribute of homage and reverence to that great soul who has just passed beyond the Veil, who loved India and devoted his life for its uplift, who, though lapped in luxury, deliberately chose poverty and prison, and who gave so much time and thought towards the framing of a new constitution for India in accord with the aims and aspirations of its countrymen? It is but meet that in this New Council Hall, where our first debate concerns the new constitution for India, we should pay our respect to the great man whose name is fittingly associated with a report embodying a noble attempt to solve the various problems now facing us. Our loss at this juncture when we needed most a man of his penetrating and far-sighted vision is indeed great. Within sight of the Promised Land, Pandit Motilal Nehru has left us!

Sir, in order to understand the importance of the new principle for the Indian constitution laid down by the Premier on the 19th January last, it is necessary for us briefly to examine the principle underlying the existing constitution. Ever since Lord North's Regulating Act, Parliamentary control over India has been established. After 1857, Parliament, through the Secretary of State for India, a Cabinet Minister, has been exercising such control. The supremacy of Parliament as representing the British people has been long established. It has been repeatedly declared by His Majesty's Government that their responsibility to Parliament for India could not be questioned. In the Preamble to the Government of India Act, 1919, it was expressly stated that: "Whereas the time and manner of each advance can be determined ONLY by Parliament, upon whom responsibility lies for the welfare and advancement of the Indian peoples." That Act provided that the entire responsibility for the Government of India is vested in the Secretary of State for India as representing Parliament, and he is to superintend, direct and control all acts and concerns relating to the government or revenues of India. So the present position is that Parliament has the final and supreme voice in Indian affairs and thus the British people ultimately control India.

Now let us turn to the Declaration of Policy made on the 19th January last at the closing session of the Round Table Conference by the Premier on behalf of his Government (I quote the relevant words):

"The view of His Majesty's Government is that the responsibility for the Government of India should be placed upon the legislatures, central and provincial, with such provisions as may be necessary to guarantee, during a period of transition, the observance of certain obligations and to meet other special circumstances, and also with such guarantees as are required by the minorities to protect their political liberties and rights."

This makes it quite clear that the new constitution for India will be founded on the principle that the Indian legislatures are to be entirely responsible for the government of our country and that the old principle that ever since the establishment of British rule in India has been the foundation of the constitution, viz., the supremacy of Parliament over India, is to be abrogated.

Sir, I would earnestly request my countrymen to consider carefully the tremendous import of the new principle now enunciated by the Premier. This, it is to be noted, has been accepted by the leaders of the other parties. It implies that in future the administration of India is to be vested in the Indian legislatures, which means ultimately the people of India. (I shall deal presently with the question of safeguards.) Thus the principle of self-government or Swaraj as the foundation of the new constitution has been established beyond controversy. His Majesty's Government are solemnly pledged to its acceptance and there can be no going back.

The recognition of the principle of Swaraj implies necessarily a full recognition of the right of India to equality of treatment to what we call Dominion Status. That this has been *explicitly* recognised is abundantly clear from a reading of the various speeches in the last day of the Conference and in Parliament. The Premier in his speech repeatedly referred to "negotiations" taking place between England and India; he spoke in Parliament of "co-operative negotiations on a basis of mutual understanding." It was necessary, he declared, to remove all Indian problems from the field of suspicion with candour and good-will. Mr. Baldwin stated "I do not believe there will be any permanent solution of the question of Indian government until you get complete co-operation, understanding, and good-will between Indians and ourselves." Lord Peel at the Conference said "I trust that in the coming months, the seals may be affixed to this new deed of partnership between the two countries." May I call attention of my countrymen to the memorable closing words of the Premier at the Conference? He said: "Finally, I hope, and I trust and I pray that by our labours together, India will possess the only thing that she now lacks to give her the status of a Dominion amongst the British Commonwealth of Nations, what she now lacks—the responsibilities, and the cares, the burdens and the difficulties, but the pride and the honour of responsible self-government." Mr. Wedgwood Benn in

Parliament stated: "The moment the Prime Minister made his statement on the 19th January, the equality of status was declared."

The new principle of self-government, with its corollary, Dominion Status, which has now been established, accords with National aspiration and demand and I therefore am confident that it will be cordially appreciated by my countrymen.

In this unanimity of opinion among responsible leaders of thought, it is rather amusing to read Mr. Churchill's outburst in Parliament. He speaks of "the rapid landslide of British opinion and policy." Has he forgotten the equally rapid landslide of British opinion and policy in the case of Ireland? Has he forgotten the leading part that he took in staging the surrender to the "Irish rebels"? It hardly lies in the mouth of Mr. Churchill now to rail at peaceful and honourable negotiations between England and India.

Now, may I say a few words about the vexed question of safeguards? It is impossible for me within my limited time to discuss this matter in detail. Everybody admits the necessity for them. Even that great leader, Pandit Motilal Nehru, some months ago, envisaged the framing of a constitution "subject to such adjustments of our mutual relations as are required by special needs and conditions of India and our past association." As the Premier has pointed out, safeguards are to be found in every free constitution, to be put into operation in the event of a breakdown of the ordinary normal operations of Government. So the necessity of safeguards being obvious, the question arises as to what they ought to be.

The Conference has made suggestions. But it is to be remembered that the suggestions made by the various sub-committees of the Conference and noted in its plenary session, are merely provisional. To quote the Premier, when making the Declaration of Policy on behalf of his Government, "in such statutory safeguards as may be made for meeting the needs of the transitional period, it will be a primary concern of His Majesty's Government to see that the reserved powers are so framed and exercised as not to prejudice the advance of India through the new constitution to full responsibility for her own Government." He made it clear in that speech and also in Parliament that these safeguards were only during the transitional period. The question of safeguards is no doubt of importance for our future development. As the Prime Minister himself says, they should not be such as would unduly shackle us and thereby hamper our growth. So it is essential that we should go into this matter very carefully and exercise due vigilance, so that the safeguards may be such as may not hamper the working of the new constitution, and there may be no occasion for the exercise of the safeguards.

Now it will be our duty to work out the details of the scheme and fill in the framework of the new constitution. The Conference has

only settled the general principles. As the Premier put it in Parliament, the Conference did not meet to draft a constitution; but what they meant to do was to agree upon the principle which was to be applied to the Indian Government and which should be made the foundation of the constitution to be framed. The Premier pointed out in his speech at the Conference that this work must not be left to the bureaucracy in either country but must be conducted on the direct responsibility of politicians. This work, as can well be imagined, is a heavy and responsible one. It involves consideration amongst others of the following important problems: (1) the extent and scope of safeguards; (2) the question relating to the composition of the legislatures; (3) the form and extent of the franchise; (4) residuary powers; (5) the protection of commercial interests; (6) the building up of a national army; and (7) protection of minorities. It will now, therefore, be the duty of all of us, in the words of Sir Tej Bahadur Sapru, to apply our minds to the consideration of these intricate problems and make our contribution to the building up of the great structures. So I may not unreasonably expect the members of this Council to co-operate in working out the details of the scheme. Very probably conferences will be convened, or committees appointed to carry out this work and this Council may make valuable contribution thereto. Whatever be the means adopted, we can, if we want, be of very great assistance, whether the problem be one affecting the Central or the Provincial Government. It is to be noted that the provinces according to the Premier's scheme will be constituted on the basis of full responsibility so that important questions regarding complete transfer of responsibility will have to be elucidated.

I have been, Sir, speaking so long about the new constitution. May I now briefly refer to the spirit that should permeate the new constitution? The Premier and the various members of the British Delegation at the Conference have all made a fervent appeal for the removal of all suspicion and distrust, for the establishment of a spirit of co-operation, mutual trust and good-will. This to my mind is the most important essential for the success of the negotiations between England and India. Without this spirit nothing can avail. The truth of that famous maxim that WILL, NOT FORCE is the basis of the State is being realised by English statesmen. The State everywhere depends for its stability and smooth working on the good-will of the people. Now that the idea that is to be translated into action is the idea of partnership on a footing of equality, the inferiority complex should disappear. The discussions at the Conference and in Parliament have made it clear to all that the parties in England through their spokesmen are willing to co-operate with us. Let us meet them in that spirit of trust and good-will. Sir, I believe in the policy of mutual amity and understanding. As the Lord Buddha said hatred cannot conquer

hatred and it is only by love that we can conquer hatred. This is true in dealing between England and India. A policy of love and trust will bring us all close together. All the different elements—Hindus on the one hand and Moslems on the other, the Princes on the one hand, the representatives of British India on the other, the higher classes on the one hand, and the depressed classes on the other, the Indians on the one hand and the British in India on the other—can easily come to a mutual understanding if this policy be followed. No one community, no one class can claim all the advantages, the monopoly of all the good things of the State. Mutual give-and-take agreement between us and not force from above should be our aim. I have not the least doubt that once we get rid of mutual suspicion, that once we are able to understand others' point of view, the solution will not be far off.

I have just read the manifesto issued in Bombay on the 6th instant by 26 Indian Delegates to the Conference, including Right Hon'ble Sir Srinivas Sastri, Sir Tej Bahadur Sapru, Mr. Jayakar and Mr. J. N. Basu. This is a remarkable corroboration from those behind the scenes, of what one had gathered from a study of the accounts already published. I would entreat the critics carefully to read the manifesto. The signatories emphasize the remarkable change that British opinion has undergone in favour of India. They say, "it is our considered view that attainment by India of Dominion Status is no longer in dispute." They add "speaking with a full sense of responsibility, we firmly maintain that the political outlook has so materially changed that the new situation should be calmly and dispassionately considered by all parties in India with a single eye to the abiding interests of India as a whole." I venture respectfully to press the appeal made by these eminent Indian leaders. There is abundant evidence of the change of heart, of an eager desire on the part of England to co-operate with us. It is therefore useless to ask for further proofs and put further tests. It is easy to stir up bad blood but more difficult to lead the people aright in the part of sobriety and calmness.

I therefore appeal to all for love and trust, for the faith that removes mountains, for the charity that hopeth all things. We Indians and Europeans, Hindus and Moslems, can work shoulder to shoulder to make India take her rightful place in the Commonwealth of Nations. In this onerous work, I ask specially the help of members of this Council, ministers as well as private members.

Thanks to the Conference, Dominion Status has been assured to us, in accordance with our cherished ideal. We have every hope that His Excellency the Viceroy to whom India owes a deep debt of gratitude, when he goes back to England will supplement his work here by assisting the framing of India's new Constitution.

One word more and I have done. The foundation of the new structure has been well and truly laid on this. It will be OUR duty to erect the new structure worthy of our great and composite people. In the famous words of Abraham Lincoln: "With malice towards none, with charity for all, with firmness in the right, as God gives us to see the right, let us strive on, to finish the work we are in and cherish a just and lasting peace between ourselves and all nations."

4-45 p.m.

Mr. P. N. GUHA: Sir, before I formally move the motion that stands in my name I beg your permission not to move the last two lines of the third paragraph of the resolution; that is to say, I would finish the resolution with the words "suitable to the needs of Bengal" and omit the words following them.

Mr. PRESIDENT: Yes, you have my permission to do so.

Mr. P. N. GUHA: I beg to move that this Council accords its hearty welcome to the declaration made by the Prime Minister on behalf of the Government of Great Britain and believes that the Constitution of the Government of India, if framed according to the principle underlying the declaration, will not only be beneficial to the country as a whole but will bring a complete Swaraj within a reasonable time.

This Council is further of opinion that the broad outlines sketched out by the Prime Minister for the Constitution of the Government of the Provinces are satisfactory and acceptable to the people of Bengal.

The Council therefore requests the Government of Bengal and the people of the different communities in the Province to unite in making a careful survey of conditions preliminary to devising a Constitution suitable to the needs of Bengal.

Mr. President, Sir, it will be seen that I have divided my motion in three distinct parts, and I have done so intentionally. In the first place, I shall deal briefly with the offer of the Prime Minister from the view points of India as a compact country and the Indians as a solid nation. The time allotted to me will not allow me to go into every detail, and further, so much has been said and written since January 19, that educated people all over India have by this time been able to form an idea of what is what.

Sir, you are aware that the offer of the Premier has not been welcomed so spontaneously in this country as it ought to have been. The delegates to the Round Table Conference, at least the majority of them, have expressed the opinion that the offer made by Mr. MacDonald was quite satisfactory, and if acted upon in the right and

proper spirit, it will in the very near future give India all that she had been hankering for at least since the establishment of the Indian National Congress. There are millions of people in this country who hold this opinion, and I, for my part, share it. On the other hand, the Congress people, though they have not yet finally rejected the offer, have by their speeches and writings conveyed the impression that the offer was not only not adequate but that there is no substance in it even. The final verdict of the Working Committee of the Congress will probably be made known to the public in a couple of days' time, but it does not require any great imagination to realise what that verdict will be.

Sir, the offer of the Premier is being condemned by two principal parties from two quite different points of view. Those of our countrymen who have made a bid for independence are of opinion that the reservations and safeguards outlined by the Prime Minister are so numerous and so strong that the power promised to be given to the people at the Centre will be of no use to them. They consider that the forward march of the people will be checked and hindered at every step with the help of these safeguards and reservations. The offer is therefore useless. The other party's view point lies in the contrary direction and that party consists mostly of the people of the ruling race from Mr. Churchill down to the retiring President of the European Association. These gentlemen are nervous at the prospect of losing the Empire. They think that the future constitution of India, if formed according to the outline sketched by the Premier, will make the Indians absolute masters of their own house and the inevitable result will be the total extinction of the white people from this ancient land.

Sir, all that an Indian can say in reply is, firstly, that we have got every right to be the masters of our own house and, secondly, that the Europeans with whom we have lived for nearly two centuries need have no reason to fear their extinction if they behave themselves. All that we have been striving for is to get rid of the intolerable supremacy of others in our own house and their supercilious attitude towards the children of the soil. Turning to our own people I would remind them that the safeguards and reservations proposed by the Premier are necessary during the period of transition, not so much for the convenience and inconvenience of the people of the ruling race, as much for minimising the possibility of our domestic quarrel. Sir, I will not enter into details. I would only draw the attention of the House to the diversity of opinion displayed at the Round Table Conference by our own men. I am confident that the British statesmen in general, and the Prime Minister in particular, would have hesitated a thousand and one times before speaking about the safeguards and reservations if the Indian delegates to the Conference were of one mind. My own reading of the situation is that the safeguards and reservations have

been thought of only because we have asked for them. That my reading is a correct one will be proved by the amendment which my friend Maulvi Tamizuddin Khan has tabled. Sir, it is an irony of fate that we can never realise that we are Indians first and Hindus and Muslims afterwards. We want to keep our communal identity always to the front and that is why the talk of safeguards come. There is bound to be chaos and bloodshed if the safeguards are not there, so long as we cannot trust each other. No one need forget that Mr. Ramsay MacDonald has repeatedly laid stress on the words "period of transition" and this period of transition will not terminate till the Hindus and Moslems unite and live in India as Indians first, and everything else, afterwards. As to the reservations, they are a necessary sequence of safeguards. One must follow the other.

Sir, turning to the 11 points raised by Mahatma Gandhi, we, laymen, are of opinion that there is not even one among them which cannot be given effect to by legislation, and consequently I fail to realize why their fulfilment should be made a condition precedent to the acceptance of the offer made by the Premier.

Sir, I now turn to the second paragraph of my motion. I find that my friends Dr. Naresh Chandra Sen Gupta and Maulvi Tamizuddin Khan are not prepared to admit that the broad outlines sketched out by the Prime Minister for the Constitution of the Provinces are satisfactory. Dr. Sen Gupta will not be satisfied with the Constitution till the political prisoners are released and Ordinances are withdrawn, and Maulvi Tamizuddin Khan will not look at the Constitution till the communal differences are settled in this Province. Sir, I can assure Dr. Sen Gupta or any one else whom it may concern, that I yield to none in my desire to see the political prisoners released and the Ordinances withdrawn, but an intellectual giant like my friend should have seen that I have tried to deal with the abstract side of the question only. The release of political prisoners and the withdrawal of the Ordinances are matters of administrative detail. Press for them as much as you can, and I assure you, Sir, that I shall not refuse to be a party to this, but I fail to understand how we can refuse to accept the Constitution if the political prisoners are not released forthwith. What I have tried to make out is that the outlines sketched out by the Premier are satisfactory. That far and no further.

Sir, Mr. MacDonald has said only two things in connection with the Constitution of the Government of the Provinces. He has said, first, that the Council will be enlarged and the franchise broadened, and second, that the Executive will be responsible to the Legislature. Sir, I would like to know from Dr. Sen Gupta if he is not satisfied with these two declarations.

Sir, taking the last declaration first, is it not a fact that we the people of the Provinces have been complaining bitterly about the

want of control of the Legislature over the Executive? Have we not asked repeatedly for the power of regulating the action of the Executive? This we are going to get and why should we not be satisfied with that? Sir, I have not lost sight of the emergency powers that are proposed to be given to the Governors of the Provinces. Many people will argue that as the white element in the Services remains, the white Governor with his emergency powers will ride roughshod over the Council and make its authority over the Executive meaningless. Sir, I for one am not prepared to believe that the British people after granting us autonomy will make it ineffective by sending out men as Governors whose only business will be to give indulgence to the unreasonable Executive. That cannot be the case. Emergency powers, as the Prime Minister has said, are vested in the King or his agent, legally and traditionally in all countries, but how many examples are there in history showing the exercise of such powers? I am therefore definitely of opinion that the declaration of the Premier that the Executive in the Provinces will be under the control of the Legislature composed of the representatives of the people from among whom the Ministers will be appointed, has removed our main ground for complaint, and this declaration ought to be accepted wholeheartedly.

Sir, I next take the questions of the size of the Council and the franchise. Adult franchise is the pet hobby of the political theorist and the Nehru Report recommended that. I have my own opinion about it. I consider that the power of franchise given to the illiterate people is likely to be abused, and further, granting such powers to all and sundry in a zemindar-ridden province like Bengal is not yet desirable. No one should be given more to eat than he can chew. Anyway, adult franchise is not coming but we have got an assurance from the Premier of a broader franchise. Can we reject that at this transitory stage? As to the size of the Council, we are 140 strong here now, out of whom 26, including myself, shall have to go, for I am sure there will no longer be nomination either of officials or non-officials. Anyway the Premier has said that the Council will be enlarged. Is not that declaration acceptable to this Council? The Nehru Report recommended one member for each lakh of population and fixed the number of Bengal Council members at 466. I do not know if this recommendation will be accepted, but I am almost sure that at least half of this will be agreed upon and this House will in future be composed of about 233 members. Is not that acceptable?

Sir, it will be seen that in the second paragraph of my motion I have asked the House to accept only the outlines and the outlines are: Provincial autonomy, an enlarged Legislative Council and a broad franchise. I purposely refrained from entering into controversial details, and so I am sorry that my friends have thought it fit to sound

discordant notes. In the last paragraph of my motion too, I have carefully avoided details and have extended an invitation to the Government and the people of the different communities to unite in making a careful survey of the conditions. Here too I have purposely refrained from entering into any detail. I can have no objection if the Government appoints a representative committee as suggested by my friend Maulvi Tamisuddin Khan. In fact the Hindu-Moslem problem was uppermost in my mind when I drafted my resolution and it was to make an effort towards the solution of that tangle that I requested the Government and the people of the different communities to unite. I therefore fail to see how the amendment of Maulvi Tamisuddin Khan arises out of my motion. My points are three: (1) that the Constitution of the Government of India if framed according to the principle underlying the declaration of the Prime Minister will be acceptable, (2) that the Constitution of the Provincial Government as outlined will be welcome, and (3) the Government and the people of all communities in Bengal should unitedly try to evolve a suitable Constitution for this Province, and I maintain, Sir, that the question of political prisoners or the appointment of any committee cannot be linked with my motion, which you can call a pious wish, if you please.

5 p.m.

Mr. J. N. GUPTA: Sir, before I move the motion which stands in my name, I wish to follow Mr. Bose in paying my humble tribute to the memory of the great patriot and statesman who has just passed away. His passionate love of country, great intellectual gifts, and, above all, his all-embracing sacrifice, must set an example to my countrymen for years to come. We would have felt the loss of such a man at any time, and we feel it much more so at this time when sobriety of judgment and far-sighted statesmanship are required more than ever.

Coming to the motion which stands in my name, *viz.*, "this Council gratefully acknowledges the far-sighted wisdom, broad statesmanship and genuine sympathy with Indian aspirations displayed in the scheme of the future Indian Constitution outlined by the Prime Minister at the concluding pleanary sitting of the Round Table Conference, and while calling upon the Government to forthwith remove all obstacles in the path of the sympathetic reception by the people of this Province, urges upon members of this House to do all in their power to help forward the speedy completion of the structure outlined in the scheme, particularly by a satisfactory and agreed solution of communal differences, so that the great task of building up the fabric of a liberated and self-governing India may be commenced by the Indian people with as little delay as possible," it is with feelings of gratitude and hope that I rise to move it, so different

from the disappointed frame of my mind with which I had to move the resolution on the work of the Simon Commission only in August last. It is only fair, however, that we should remember that the atmosphere, the compelling moral forces which guided the deliberations of the Round Table Conference, were so different from those under whose influence the Simon Commission had to work, that this fact alone will go a long way to explain the radical change in the angle of vision of the sponsors of the new constitution offered to India. It must be admitted that foremost amongst the causes which have placed India on the threshold of complete political self-determination and which have worked what has been described by more than one critic as being nothing short of a historical miracle, is the unloosening of moral forces, as if by a magical wand of that great leader who has controlled the destinies of India during these momentous days. When Mr. Gandhi wrote his famous letter to the Viceroy on the 2nd of March, 1930, and said that he proposed to set in motion moral forces, the intensely active forces of non-violence, and when he expressed the hope that people would join him in numbers and the sufferings they will undergo will be enough to melt the stoniest heart, and ensure the victory of truth and the conversion of the British nation, there were many who were inclined to consider that message, at best as embodying the faith of a visionary, who had no knowledge of the earthly character of the forces, mostly physical, which have to be called into being for the winning of political liberty by a subject people. But to-day the world stands amazed and staggered at the immense potency of the forces raised by Mr. Gandhi, which have truly galvanised and changed the moral outlook of the entire Indian nation, men, women and children, who have vied with each other in sacrificing their personal liberty and everything they hold dear for the cause of their country. Who could have imagined even a year ago that women from the cream of Indian society who were timorous even to come out into the streets in the light of day could have cheerfully braved brutal *lathi* charges and led the van in the nation's struggle in the cause of truth and freedom? India has given birth to many spiritual forces in the past which have moved the world and it was left to India again under the guidance of Mr. Gandhi to make a new record in the history of political institutions, and to demonstrate that soul force is even more potent than physical prowess in achieving the freedom of a people.

But I am not going to give all the credit to Mr. Gandhi and his party alone. No less potent and perhaps what exercised the most direct influence in shaping the deliberation of the Round Table Conference was the impressive display of burning patriotism and love of country, sobriety of judgment, breadth and liberality of view, coupled with high intellectual gifts and firm grasp of the complex and difficult

problems under discussion, by the galaxy of Indian Princes and statesmen who attended the Conference and which proved to the British nation and to the outer bar of the civilized world that if there were any people who could be trusted with the management of the affairs of their own country, surely it was the people whose cause they pleaded. Sir, India will never be able to repay the heavy debt of gratitude which they owe to the Indian Princes for their singleminded patriotism in placing the interests of India above the interests of their class, to statesmen like Sir Tej Bahadur Sapru for their splendid leadership, or to the fiery patriotism of that great leader who has now passed away, Maulana Muhammad Ali, of blessed memory, who declared that he would rather die than return to a slave country, and whom fate honoured by helping him to keep his word. Sir, the names of these patriots will go down the resounding stairs of time and generations of my countrymen will honour their memory as the saviours of their country.

Sir, at this moment of supreme gratification for all lovers of India, I do not propose to be partial or niggardly in my praise of the great British nation, perhaps the greatest in modern times, which has so unanimously and with such signal good grace risen to the full height of its responsibility, and parted with power and prospects of continuance of rule in a manner which is bound to be recognised as one of the most notable examples of self-abnegation and self-restraint exercised by any nation, having all the physical weapons of self-aggrandisement at its command of which history keeps any record. If the names of individuals are to be mentioned on whose brow history will place the crown of laurels for this peaceful yet memorable victory of the cause of freedom, surely the late Mr. Montagu, Lord Irwin and Mr. MacDonald will share it with Mr. Gandhi and the other Indian patriots.

So much for our gratitude for the momentous advance in India's political position which the Prime Minister's declaration promises. No doubt the declaration offers only a bare outline; the underlying guiding principles and a great deal will depend upon how the scheme, the superstructure, is actually built up. But as Mr. MacDonald has pointed out, much more than an outline has been worked out and the discussions and resolutions of the various sub-committees of the Round Table Conference have broken a great deal of difficult ground and offered agreed solutions of some of the knottiest problems of the Indian situation. To quote again from the Prime Minister's speeches, the bricks and the mortar have in most cases been manufactured, and as the plan of the building has already been supplied, the completion of the structure should not be very difficult of attainment, provided the same spirit of give and take and wise toleration continue to guide the labours of those who will complete the work which has been so well

begun. Sir, it is not for me to-day to examine in detail the salient points of the new scheme. I might at once say that we have now won the most important redoubt and the new constitution places us on firm ground from which future advance will be almost automatic. As the All-Parties' Conference report, commonly known as the Nehru Report, puts it, "the real problem to which the minds of Indian nationalists have been set consists in the transference of political power and responsibility from the people of England to the people of India." The Prime Minister's declaration runs "the view of His Majesty's Government is that responsibility for the Government of India should be placed upon (Indian) Legislatures, central and provincial, with provisional safeguards, the reserve powers, however, not to be exercised so as to prejudice the advance of India through the new constitution to full responsibility for her own Government." The Round Table Conference solved the problem of finding a constitution which will embrace the whole of India and at the same time provide some ballast for introducing responsibility in the centre by adopting a Federal constitution in which the central Government should be a Federation of all India, embracing both the Indian States and British India in a bi-cameral legislature. If responsibility is to be transferred to the shoulders of Indian Ministers and Legislature, the new constitution fully recognizes, that they must also have the power of the purse, and Indians must be put in a position to gradually take upon themselves the burden of the defence of the country. The constitution, therefore, will provide that subject to transitional safeguard, the Indian Government will have full financial responsibility for methods of raising revenue and control of expenditure. As regards provinces, the constitution will be on the basis of full responsibility; all the Ministers will be taken from the legislature and will be jointly responsible to it. The range of provincial subjects will give the provinces the greatest possible measure of self-government, the authority of the Federal Government being strictly limited to subjects of all-India concern.

Such is the bare outline, but even now the generous and responsive character of His Majesty's Government is obvious enough, and Indian criticism has been so far useful and friendly. Naturally a great deal of criticism has been levelled against the proposed safeguards. Mr. Sastri suggests that there should be a clause in the Viceroy's instrument of instruction declaring that it is Britain's policy that the extraordinary powers of the Viceroy are to be used exclusively for India's benefit. The Prime Minister has, however, clearly stated that the suggested safeguards will only be transitional and also pointed out that safeguards to prevent the break-down of a complicated system of responsible Government are necessary and exist in all constitutions, and they are not to be used except in cases of the gravest emergencies.

The Prime Minister and the Secretary of State have further stressed that these emergency powers should be so framed as not to undermine the responsibility of Ministers in the province and not to enable them to take shelter behind the reserved powers of the Governor; "that is to say, the powers of the Minister must wax and the emergency powers of the Governor must be kept in back-ground and must wane." Mr. Sapru has acknowledged that some safeguards are essential to make the scheme of central responsibility workable and I must also frankly admit that safeguards in the spirit conceived by the Prime Minister will be essential for this province also at least during the transitional period of the new constitution. It is only to be hoped that these directions from Whitehall will be remembered when the details of the scheme are worked out in this country. As regards financial safeguards, I would like, however, to whole-heartedly support the contention of those critics which maintain that the whole scheme of financial responsibility will have to be very carefully worked out so that Ministers should have complete and unfettered powers for controlling the finances and the financial, currency, and commercial policy of the Indian Empire. And we in the province must also take care that the whole scheme of the distribution of the financial resources of British India amongst the autonomous provinces, should be thoroughly overhauled and placed on a fair and equitable basis, so that Bengal may be relieved from the grave injustice of the present arrangement by which she, the richest province in India with the most extending sources of income, is the poorest per head of the population, her resources being just about one-third of the other major provinces of India. As regards the scheme of Federated India composed of the States and the provinces which is to be the foundation of the scheme of a responsible central Government, it is of course, possible like Mr. Jinnah to be sceptical of its immediate realization and to hold that the scheme of responsible Government both in the provinces and in the centre should not be made conditional on the Indian States coming into line. But as Mr. Sapru has pointed out, Indian statesmen like Mr. Sastri, who were at first not in favour of the Federation Scheme, accepted it not only because it suits the Princes but also because it helps India to attain its object. In my humble judgment what we want is united India and self-governing India, and if a scheme of Federation is the only practical solution of the difficulty, there is nothing more to be said. Besides, one can easily visualise that as the days go by the view point of the Indians in the States will not be very different from the view point of their brothers in present day British India and the future of India is that of a united Indian people. As regards the Indian Army, it might be urged that in addition to the opening of an Indian Sandhurst without delay, and a scheme for the rapid Indianisation of the Army, the central Assembly should have the privilege of discussing the Army budget as it does now and that its

[illegible] should carry far more practical weight with the Government than it has done in the past.

I would also like to emphasize the demand of the National Party in the central Assembly, that while welcoming the Prime Minister's declaration of policy they trust that its realization will be immediate, which alone can really satisfy the country. As Mr. Wedgwood Benn so impressively pointed out in the House of Commons, speed and sincerity are the two things essential in dealing with the Indian problem at the present moment. I am sure we can all whole-heartedly endorse the Secretary of State's asservation that in Britain's relations with India delay has been the tragedy in the past.

But it is needless to point out that if delay is to be avoided and the scheme outlined by the Prime Minister is to be worked out into a practical and workable constitution for India, the British Government, the Indian Government and the Indian people must all whole-heartedly co-operate. The Indian national party in the Assembly has already made a strong appeal both to the Indian Government, and to the Congress leaders to create an atmosphere of peace and mutual trust in which the momentous problems now awaiting decision can be examined in a calm and dispassionate spirit. The Indian Government has already taken the initiative in this matter, and I most earnestly beg the local Government to be loyal to the new spirit which the Round Table Conference has created and which animated the declarations of the Prime Minister and the Secretary of State at Whitehall. If the Government cannot make up its mind finally to abandon the policy of attempting to repress the political activities of the people, may I humbly suggest that at least there should be a complete cessation for the present of all action in that direction? May I ask whether the excess of seal recently displayed by the police, to put it very mildly, in dispersing the Independence Day celebrations was in consonance with that policy of extending the sphere of the peace and contentment of the human race to which the head of the Indian administration, the Secretary of State for India, so solemnly committed himself only the other day? May I also venture to remind the Hon'ble Home Member and the police autocrats of the day that is not far off when those who will sit in the place which the Hon'ble Member now occupies and the police will no longer be the irresponsible masters of the people but their friends and servants, and even to-day they cannot afford to carry on the traditions of the old regime with impunity? To my countrymen is it necessary for me to say that this is the most anxious and momentous stage of our national history, when in truth the happiness and contentment of one-fifth of the human race is hanging in the balance, and I pray to God that a spirit of noble self-restraint and single-minded regard to the ultimate good of the motherland without any thought of getting equal with our opponents should guide our

decision? As to ourselves, I feel certain that all of us present here will not consider any sacrifice too great to be able to do what little we can to serve the country's cause.

5-15 p.m.

On this Council, however, devolves in a special manner the all-important task of finding a satisfactory and agreed solution of the differences which unfortunately divide the view points of the two great communities of the province. We have all noted with shame and deep disappointment that it was our unfortunate difference which has been the chief obstacle in the path of the Round Table Conference's coming to a more satisfactory and speedier conclusion of their labours. Sir, in recent years Bengal has been steadily losing ground in the Councils of India, and shall it now be said of Bengal that at the supreme moment when the prospects of our freeing our motherland are brighter than they have ever been before, Bengal of all the provinces failed to rise to the full height of its responsibility? I appeal to the patriotism of leaders of both communities to save us from such a disgrace. Sir, it is not for me to assume the role of an arbitrator, but in all humility may I say that it must be obvious to all of us that we shall never arrive at an agreed solution unless both communities are prepared to make some sacrifice and unless we respond to the call of a common motherland and to those strong ties of common nationality which have and which ought to bind the two communities in the closest bonds of mutual respect, good-will and fellow-feeling. We must also remember that we are discussing the frame-work of a democratic institution, and we cannot very well put up proposals which go against the very essence of democratic institutions and which, as pointed out by the Prime Minister, "instead of developing a robust political life which will foster the growth of national political parties based upon conceptions of India's interest as a whole, will tend to divide India into water-tight compartments of separate communities with communal interest of their own." Much has been said about the safeguarding of interests of minority communities, but it is quite a different thing to ask for a special favoured treatment at the certain cost of other communities for asking for protection from possible disabilities which may or may not arise in the future. As pointed out by the Prime Minister, special weightage for any communities will only mean that we will have to take it out of some body else. But the fact is that the Prime Minister has said nothing new. What he has now said, has been said and felt by all impartial judges who have examined the question in the past, but they had not the courage of their convictions and in supporting communal electorates they did not act as either true friends of India or of the communities; they wanted to befriend. We must remember that our case is now before a much wider bar of the free people of England, and

in fact of the bar of the free peoples of the civilised world. Will it, therefore, be too much to hope that we will appoint a sub-committee amongst ourselves to decide this question in a spirit of tolerance and a brotherly regard for each others' interests and put up suggestions which being fair to both the communities will not militate against the larger interests of the nation? How will it do if we accepted a joint and non-communal electorate and reserved only a minimum equal number of seats for both communities, throwing open the others for healthy emulation and competition between the most deserving candidates of both communities, or if it was considered essential to reserve all the seats to allocate for specified number of years only, the number justified by the voting strength of each community and under any franchise that might be considered desirable and workable in the present stage of the country's economic and educational advance?

One more word, Sir, and I have done; in our exaltation for the great stride forward towards self-government which under the decree of Providence we have now been able to take, we must not forget that the true task of the regeneration of India has still to be begun. We have now only been provided with the means, the key of the castle has been given to us; we have still to open the gates and take possession of the citadel. For India to stand on the same pedestal as the great self-determining nations of the world, the people have to be raised to a standard which is far above the position which unfortunately we now occupy. No matter how generous and imposing the structure of the constitution which may be given to us, we cannot afford to forget that the chief value of that constitution will be that it should enable us to raise the people, through their own exertions, to a position of equality, in moral and national advancement with the other civilized peoples of the world. And unless we apply ourselves steadfastly to that task, we may find the enormous weight of the governance of 350 millions of people too heavy a burden to bear and the mighty edifice which is rearing up its head so proudly to-day may crash down to the ground blasting all our hopes and adding another dismal chapter to our national history. It is because I firmly believe that under the wise guidance of Providence we will not falter in our duty and will prove equal to the great task which lies before us that I have ventured to raise this issue.

Dr. NARESH CHANDRA SEN GUPTA: Mr. President, my friend Mr. P. N. Guha has criticised my amendment in advance, but I regret to say that he has done so without taking care to read what my amendment was. My amendment reads as follows:—

"While satisfied that the policy outlined by the Prime Minister offers a satisfactory basis for discussions on the details of the future constitution, this Council is convinced that no constitution, however generously conceived, can lead to any good unless, both at its inception and in its

working, it is broad-based on the good-will of the people; and this Council is, therefore, of opinion that in order to secure the necessary good-will of the people and to ensure a calm and sympathetic consideration of the proposal by the people, all political prisoners should be forthwith released, all special laws and Ordinances directed towards the suppression of any form of political agitation should be withdrawn, and all action taken by the Government for the suppression of any form of political agitation immediately abandoned."

I trust that if the members read the resolution and the amendment that I have proposed, they will not charge me with a desire in any way to water down the meed of praise and appreciation which is undoubtedly due to the breadth of imagination, the true qualities of statesmanship and the sincerity of purpose displayed by the Prime Minister. But I wish that in expressing that appreciation, we should be equally truthful and sincere. For over a year now, Sir, the soul of India has been sorely tried and every day that passed has shaken the tender roots of the confidence which some of us had in the statesmanship and idealism of Mr. Ramsay MacDonald. And with the flower of our countrymen belaboured with bludgeons, physical and legislative, with prisons filled with people who have committed no offence known to civilized jurisprudence, it is no wonder that little faith was left in us in the good intentions of the British Government even under the great idealist and statesman that we have known Mr. Ramsay MacDonald to be. From out of this welter has shone forth the first glimmer of light and the fainting faith of people has been re-awakened by the heartening notes of the Premier's speech. It would be hypocrisy, however, to say that the Premier's speech alone is enough to lay the spirit of distrust and bring us back to the faith which will lead to peace. Not once or twice but many times in the history of India have noble principles uttered on the highest authority been twisted and turned and mangled out of shape when it came to translating the principles into practice. I need hardly refer to the gracious words of Queen Victoria in her proclamation which have so often been cruelly belied. In our own times I well remember the effusions of joy with which men like Sir Rash Behari Ghose and Sir Surendranath Bannerjea hailed the memorable despatch of Lord Morley on constitutional reforms and I remember likewise how the high hopes were dashed to pieces when the Morley-Minto Reforms finally took their shape.

Mr. Ramsay MacDonald has laid down noble principles, but the structure of our constitution has yet to be raised on those foundations and the foundations themselves are not quite above criticism. I have enough confidence in Mr. MacDonald yet to feel that if it is left to him and his Government to work out the constitution in detail, he will make every effort to give a generous exposition of the principle

in working out the details. But it is not impossible that that work may fall to others.

Well, Sir, if we examine the Premier's speech, we shall find that there is not one principle in it which cannot be rendered wholly futile by a clever handling of the details. Take, for instance, his declaration about provincial autonomy, with the principles of which everyone of us is agreed. But all depends on what subjects are allocated to the provinces and what will be centrally regulated. All depends on the grant to the provinces of adequate and expanding revenues for provincial purposes. Without a generous adjustment of powers and revenues, provincial autonomy might easily turn out to be a cruel joke. And, lastly, everything depends on the constitution of the provincial legislatures. That constitution may easily be so devised by providing for nicely balanced groupings in the legislature so that the will of the people will fail to find expression in the legislature and the real power will pass into the hands of a small group, say, of Europeans, who will hold the balance.

Till the details of the scheme are filled in, therefore, it would be premature on our part to go into ecstacies over a mere enunciation of principles. At the same time I do not wish to be a carping critic and damn the principles for merely imaginary consequences———

Adjournment.

The Council was then adjourned till 2-30 p.m., on Tuesday, the 10th February, 1931, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Council House, Calcutta, on Tuesday, the 10th February, 1931, at 2-30 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh), in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 113 nominated and elected members.

Starred Questions

(to which oral answers were given).

Munsifs from the depressed classes.

*28. **Babu LALIT KUMAR BAL:** Will the Hon'ble Member in charge of the Judicial Department be pleased to lay on the table a statement showing for the year 1930—

(*i*) the number of candidates from the depressed classes for appointment as munsifs;

(*ii*) the number of them appointed; and

(*iii*) what are the reasons for the non-appointment of the other candidates?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*i*) No specific information as to the total number of candidates who belonged to the depressed class is available, but in eight cases special claims of belonging to depressed classes were put forward and considered by the High Court in making the selection.

(*ii*) and (*iii*) Of the eight special cases mentioned above, one was recommended by the High Court which was accepted by Government. The qualification of other candidates who put forward claims of belonging to the depressed classes did not appear to the court sufficiently good to justify a selection.

River Dhalleswary, inspection by the Chief Engineer.

*29. **Rai Bahadur KESHAB CHANDRA BANERJI:** (*a*) Will the Hon'ble Member in charge of the Irrigation Department be pleased to lay on the table a statement showing—

(*i*) how many times and on what dates the Chief Engineer, Irrigation Department, Bengal, has inspected the river Dhalleswary, officially or unofficially, since January, 1929;

(*ii*) whether the said officer was accompanied by anybody other than his own departmental officers during the inspection or inspections, and if so, by whom; and

(*iii*) whether the Chief Engineer travelled by launch on those occasions?

(*b*) If the answer to (*a*) (*iii*) is in the negative, will the Hon'ble Member be pleased to state how the inspection was carried out?

MEMBER in charge of IRRIGATION DEPARTMENT (the Hon'ble Alhadj Sir Abdelkerim Ghuznavi): (*a*) The statement is laid on the table.

(*b*) Does not arise.

Statement referred to in the reply to clause (a) of starred question No. 29.

Date of inspection.	From—	To—	Vessel used.	Remarks.
24th September, 1929.	Porabari	Elashin ..	"Albatross," Government launch	Accompanied Hon'ble Member.
25th September, 1929.	Elashin	Upper mouth of Buriganga.	Steamer Co.'s steamer "Kingfisher."	Mr. Kearns, Pilot Superintendent, accompanying.
12th January, 1930.	Sabhar	Lower mouth of Buriganga.	"Celia," Government launch.	With the Irrigation Committee.

Hanskali and Krishnaganj thanas of Nadia district.

*30. **Mr. NARENDRA KUMAR BASU:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether there is any proposal for the transfer of the Hanskali and Krishnaganj thanas from the jurisdiction of the Sadar subdivision of the Nadia district to that of some other subdivision?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state whether local public opinion will be ascertained before final orders are passed on the proposal?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) Government are not aware of any such proposal.

(*b*) Does not arise.

Fall in provincial revenue.

*31. **Mr. S. M. BOSE:** Will the Hon'ble Member in charge of the Finance Department be pleased to state the heads of provincial revenue affected and the extent of the fall for nine months of the year ending December, 1930, or for six months ending September, 1930, if the figures for nine months are not available, as compared with the estimates in the budget?

MEMBER in charge of FINANCE DEPARTMENT (the Hon'ble Mr. A. Marr): If the member will wait till the 23rd instant, I shall furnish the information for which he asks when presenting the budget to the Council.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to state whether he does not know the answer already?

(No reply).

Increase or [illegible] in the budgeted expenditure.

*32. **Mr. S. M. BOSE:** Will the Hon'ble Member in charge of the Finance Department be pleased to state the heads of provincial expenditure affected and the extent of the increase or decrease for nine months of the year ending December, 1930, or for six months ending September, 1930, if the figures for nine months are not available, as compared with the estimates in the budget?

The Hon'ble Mr. A. MARR: If the member will wait till the 23rd instant, I shall furnish the information for which he asks when presenting the budget to the Council.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to state, if he has the information, what is his objection to giving it?

Recruitment of munsifs.

*33. **Maulvi SYED OSMAN HAIDER CHAUDHURI:** Will the Hon'ble Member in charge of the Judicial Department be pleased to state—

(i) the number of munsifs (Hindu and Muhammadan separately) recruited this year; and

(ii) the principle on which the recruitment has been made?

The Hon'ble Mr. W. D. R. PRENTICE: (i) None as yet.

(ii) Does not arise.

Persons detained in the Buxa Fort.

*34. **Maulvi SYED JALALUDDIN HASHEMY:** (a) Will the Hon'ble Member in charge of the Political Department be pleased to state the total number of persons detained at present without trial in Bengal under the Bengal Ordinances?

(b) How many of them are at present detained in the Buxa Fort?

(c) How many are detained in the different jails of Bengal, showing their numbers separately in each jail?

(d) What is the reason which led the Government to detain many of them in a place like Buxa Fort?

(e) Is it a fact that the place where Buxa Fort is situated is an unhealthy one?

(f) Is it a fact that owing to the unhealthy condition of the place it is no longer used by the army?

(g) Is it a fact that temperature of the place is very cold?

(h) Is it a fact that the prisoners detained there are not supplied with adequate warm clothings?

(i) Is it a fact that the diet supplied to them is far from satisfactory?

(j) Are the Government considering the desirability of transferring them to a healthier place in the near future?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (a) 414.

(b) 141.

(c) 260. Government are not prepared to give details.

(*d*) To relieve congestion in jails and to ensure the segregation of detenus, while allowing them more freedom of movement and opportunities to play games and take exercise.

(*e*) No.

(*f*) No. It is exceptionally healthy.

(*g*) It is cold in the winter season.

(*h*) No. In addition to the initial and monthly allowances sanctioned for them they have been given a special allowance of Rs. 25 and allowed advances from their monthly allowances to obtain warm clothing.

(*i*) No. They are allowed Rs. 2 per diem for diet and the supply is generally satisfactory, although there have been complaints regarding the quality of specific articles which are receiving attention.

(*j*) No healthier place could be found and the general health of the camp is excellent. The answer is in the negative.

Maulvi SYED JALALUDDIN HASHEMY: With reference to answer (*c*), will the Hon'ble Member be pleased to state whether these prisoners are in jails somewhere outside Bengal?

The Hon'ble Mr. W. D. R. PRENTICE: They are all in Bengal.

Maulvi SYED JALALUDDIN HASHEMY: Will the Hon'ble Member be pleased to state whether they are detained in jail, or some other place in Bengal?

The Hon'ble Mr. W. D. R. PRENTICE: They are all in detention: some in Buxa and some in district jails.

Maulvi SYED JALALUDDIN HASHEMY: Will the Hon'ble Member be pleased to state how many of them are resident in the district jail of Khulna?

The Hon'ble Mr. W. D. R. PRENTICE: I am not sure; I will inquire.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state if he has received any representation from any person detained in Buxa?

The Hon'ble Mr. W. D. R. PRENTICE: Several. I spent two days at Buxa recently and visited all the detenus there.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state what action has been taken by him on the representation?

The Hon'ble Mr. W. D. R. PRENTICE: Each case was dealt with on its merits.

Mr. NARENDRA KUMAR BASU: With regard to answer (*f*) that Buxa is an exceptionally healthy place, will the Hon'ble Member be pleased to state whether there is any proposal before Government to make that a centre for a convalescent depot for sick civilians?

Events at Chorepalia in Contai.

***35. Mr. SYAMAPROSAD MOOKERJEE:** (*a*) Is the Hon'ble Member in charge of the Police Department aware—

(*i*) that several cases of assaults and some deaths took place at the village of Chorepalia, police-station Egra, subdivision Contai, in the district of Midnapore, on 8th September, 1930, opposite the house of Babu Kshirode Chandra Jana, President of the panchayat;

(*ii*) that as a result of the villagers being assaulted and pursued by the police, several of them fell into the tank opposite the said house;

(*iii*) that as the villagers were struggling to get out of the water and approaching the bank, they were hit severe blows on the head by the policemen; and

(*iv*) that as a result of such attacks five persons were drowned to death?

(*b*) Has the attention of the Hon'ble Member been drawn to a report of a committee of inquiry dealing with the above incident, consisting of—

Mr. J. N. Basu, M.L.C.,

Mr. B. N. Sasmal, and

Mr. Priyaranjan Sen?

(*c*) What action, if any, has been taken by the Government in connection with the above incident?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) The following is the account of the events at Chorepalia on 8th September, 1930, given by the local President Panchayat in his inquest report, dated 9th September, 1930:—

"Yesterday police were present at my house for the collection of chaukidar tax. About 11 a.m. 700 to 800 people combining together came in front of the police towards my house. As the crowd went too near the police, they told them to go away. As the crowd did not go away, the police dispersed the crowd. Many persons jumped into a pond by the side of the road at the time of the breaking of the crowd. Police took out many persons from water. As five dead bodies were floating to-day Mohendra Nath Ghor of village Binchaulda told me, one dead body was the body of Kartik Kamila, son of Braja Kamila, of village Jagulia. His father brought him out of water, and having given impression and signature in my diary took away the dead body for cremation purpose. One dead body is the body of Baikuntha Jana, son of Bharat Jana, of village Kanakpur. His two servants took that dead body out of water. After giving (thumb) impression in my diary they took the dead body away for cremation. Three dead bodies were taken out of water by Kailash Ghoroi and Jay Ghoroi for cremation. During the inquiry on these dead bodies, the senior Daroga Babu of Egra thana, Inspector Babu, Circle Officer and some villagers were present. There was no mark of injury on these five dead bodies. Many persons fell in the tank during the breaking up of the crowd. Possibly on account of the pressure of many people they could not get up from the water and were drowned dead without the notice of the people. They received no hurt from any person. There was no suspicion about their unnatural death. Every one believed that they died by drowning. As I did not suspect about their death, so order was given for their cremation. For the authenticity of my report the signatures of some of the villagers, of Inspector, of Circle Officer, have been given."

The medical report given on 9th September, 1930, by a local doctor is as follows:—

"I have seen three dead bodies, but there is no mark of injury.

The symptoms of drowning were found on the dead bodies. The relatives of the deceased and the local people did not suspect any foul play in their death."

(*b*) Yes.

(*c*) In view of the inquest and medical report which were corroborated by a report, dated 15th September, 1930, from a Deputy Magistrate who was sent to the spot by the Subdivisional Officer, Contai, to hold an inquiry, no further action was necessary.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Member be pleased to state whether Government has seen the report of the committee presided over by Mr. J. N. Basu?

The Hon'ble Mr. W. D. R. PRENTICE: Yes.

Mr. SYAMAPROSAD MOOKERJEE: Are the Government aware that there are serious discrepancies between the report of that committee and the Government report?

The Hon'ble Mr. W. D. R. PRENTICE: I believe there are.

Mr. SYAMAPROSAD MOOKERJEE: Do the Government think it its duty to inquire into the matter by an independent committee?

The Hon'ble Mr. W. D. R. PRENTICE: No. The President Panchayet's report gave full details of what happened.

Babu JATINDRA NATH BASU: Did the Police take any steps to have the bodies examined in the usual way?

The Hon'ble Mr. W. D. R. PRENTICE: This was not necessary.

Babu JATINDRA NATH BASU: Is it not invariably the practice to have a *post mortem* medical examination of all dead bodies?

The Hon'ble Mr. W. D. R. PRENTICE: I am not aware that this is so.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Member be pleased to state whether the attention of the local officers was drawn to the report of the non-official committee, and whether they were asked to explain the discrepancies?

The Hon'ble Mr. W. D. R. PRENTICE: The non-official inquiry was held a considerable time after the occurrence; in due course an extract from the report was received by Government and sent to the local officers for their opinion.

Maulvi SYED MAJID BAKSH: Was the officer who medically examined the dead bodies, a duly qualified medical officer?

The Hon'ble Mr. W. D. R. PRENTICE: Yes.

Mr. NARENDRA KUMAR BASU: Having regard to the allegations made, does the Government consider it necessary to make a further inquiry into the matter?

The Hon'ble Mr. W. D. R. PRENTICE: No.

Mr. NARENDRA KUMAR BASU: Is the Hon'ble Member aware that in numerous cases it has been found that the reports made by the President Panchayets are false?

The Hon'ble Mr. W. D. R. PRENTICE: No.

Kumar SHIB SHEKHARESWAR RAY: Is it a fact that the report of the committee presided over by Mr. J. N. Basu has been proscribed by Government?

The Hon'ble Mr. W. D. R. PRENTICE: I must ask for notice of this.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to state who viewed the dead bodies?

The Hon'ble Mr. W. D. R. PRENTICE: The local medical officer.

Kumar SHIB SHEKHARESWAR RAY: Are the Government satisfied that the Police are in no way to blame for this calamity?

The Hon'ble Mr. W. D. R. PRENTICE: I would refer the member to my answer.

Total cost of erecting and furnishing Council House.

*38. **Mr. SYAMAPROSAD MOOKERJEE:** Will the Hon'ble Minister in charge of the Public Works Department be pleased to lay on the table a statement showing—

(i) the total cost of erecting and furnishing the new house for the Bengal Legislative Council;

(ii) the total amount of money spent in this connection on—

(a) goods made in India;

(b) goods made in Great Britain;

(c) goods made in other foreign countries;

(iii) the principal items of goods made in India utilised in this connection and the amount spent on each?

MINISTER in charge of PUBLIC WORKS DEPARTMENT (the Hon'ble Khan Bahadur K. C. M. Faroqui): (*i*) The accounts for the work are not closed, but it is expected that the total work charges including furniture, cooling plant and fittings will be about Rs. 27,80,000.

(*ii*) and (*iii*) The information is not available as the work has been carried out by contract. All materials have been purchased by the contractors and not departmentally.

Babu SATISH CHANDRA RAY CHOWDHURY: Was any instruction issued to the contractors to use Indian materials as far as practicable?

The Hon'ble Khan Bahadur K. C. M. FAROQUI: That is not the practice.

Babu SATISH CHANDRA RAY CHOWDHURY: Was it not the duty of Government to encourage the use of Indian materials and Indian labour?

The Hon'ble Khan Bahadur K. C. M. FAROQUI: No particular instructions were given to the contractors.

Maulvi SYED MAJID BAKSH: What percentage of Muhammadans were employed by the contractors?

The Hon'ble Khan Bahadur K. C. M. FAROQUI: I must ask for notice.

Excise Licensing Boards.

*37. **Babu SATYENDRA NATH ROY:** Will the Hon'ble Minister in charge of the Agriculture and Industries (Excise) Department be pleased to state—

(*i*) for what object the Excise Licensing Boards were established at Calcutta, Howrah and in the 24-Parganas;

(*ii*) whether the said object has been attained; and

(*iii*) if so, to what extent?

MINISTER in charge of ACRICULTURE and INDUSTRIES (EXCISE) DEPARTMENT (the Hon'ble Mr. Bijoy Prasad Singh Roy): (*i*) The Licensing Boards in Calcutta, Howrah and the 24-Parganas were formed to determine the number and location of licensed shops within their respective areas.

(*ii*) and (*iii*) The object of establishing the Licensing Boards has been attained as will appear from the extracts from the Excise Administration Reports for the years 1926-27, 1927-28, 1928-29 and 1929-30 published in the *Calcutta Gazette* which are placed on the library table.

Babu SATYENDRA NATH ROY: Besides determining the number and location of licensed shops, was it not also the object of the Boards to ascertain the consumption of liquor and excisable drugs?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Yes.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Minister be pleased to state whether any reduction was effected by the Licensing Boards in the number of excise shops during the past year?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I want notice of this.

Monikhali Drainage Canal.

***38. Babu SATYENDRA NATH ROY:** (*a*) Has the attention of the Hon'ble Member in charge of the Irrigation Department been drawn to the fact that the drainage canal known as Monikhali khal situated in villages Jinjirpore, Bhatsala, in the 24-Parganas district, and connected with the river Hooghly is silting up and not draining out the water of the adjoining villages?

(*b*) Are the Government considering the desirability of taking steps to improve the canal?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: (*a*) Yes.

(*b*) No.

Babu SATYENDRA NATH ROY: Are the Government considering any project for improving the canal in the near future?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: The matter was carefully considered and on the report of the local officers the matter was dropped.

Dacca riots.

*39. **Srijut TAJ BAHADUR SINGH:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether the Inspector-General or the Deputy Inspector-General of Police was present in Dacca while riots between Moslems and Hindus were going on there in the spring of last year?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state—

(*i*) the date or dates of their presence in Dacca; and

(*ii*) the steps adopted by them for quelling the riots?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) Both the Inspector-General and the Deputy Inspector-General were present in Dacca at intervals.

(*b*) (*i*) The Inspector-General was present from 26th to 29th May and the Deputy Inspector-General from 22nd to 31st May.

(*ii*) The member is referred to the Report of the Dacca Disturbances Inquiry Committee, a copy of which is in the Library.

Jurisdiction of Nazirpur police-station in Bakarganj.

*40. **Srijut TAJ BAHADUR SINGH:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state the special reasons, administrative or otherwise, why a certain tract of territory from Nazirpur police-station in Bakarganj was transferred in January, 1929, to Khulna?

(*b*) Will the Hon'ble Member be pleased to state whether there is any other tract which has been or is being proposed to be dealt with in that way in Bengal shortly?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) The special reasons in this case were—

(1) the silting up of the river Madhumati causing this area to become intimately connected with the Mollahat, Bagerhat and Kachua police-stations of Khulna district;

(2) the fact that a large navigable river, the Saildaha, which is difficult to cross in the rains, cuts off this area from Nazirpur and forms a natural boundary between the districts of Khulna and Bakarganj; and

(3) it is more convenient, and less expensive, for the people of this area to go to Mollahat and the subdivisional headquarters at Bagerhat than to go to Nazirpur or the subdivisional headquarters at Pirojpur.

(*b*) A list of notifications transferring areas in one district to another district which have recently been published in the *Calcutta Gazette* is laid on the table.

One proposal for similar transfer is at present under consideration.

List referred to in the answer to clause (b) of starred question No. 40.

(1) Notification No. 399 Pl., dated the 21st January, 1929, transferring certain villages from Sirajganj police-station in Pabna to Gopalpur police-station in Mymensingh.

(2) Notification No. 400 Pl., dated the 21st January, 1929, transferring the villages Chhalal and Sindur Ata from Sarisabari police-station in Mymensingh to Kazipur police-station in Pabna.

(3) Notification No. 646 Pl., dated the 2nd February, 1929, transferring the village Majlispur from Goalundo Ghat police-station in Faridpur to Harirampur police-station in Dacca.

(4) Notification No. 916 Pl., dated the 18th February, 1929, transferring certain villages from Bera police-station in Pabna to Sibalay police-station in Dacca.

(5) Notification No. 1516 Pl., dated the 21st March, 1929, transferring certain villages from Gosairhat police-station in Faridpur to Chandpur police-station in Tippera.

(6) Notification No. 3782 Pl., dated the 10th September, 1929, transferring certain villages from Sarishabari police-station in Mymensingh to Kazipur police-station in Pabna.

(7) Notification No. 4746 Pl., dated the 13th November, 1929, transferring certain villages from Kushtia police-station in Nadia to Pabna and Sara police-stations in Pabna.

(8) Notification No. 4747 Pl., dated the 13th November, 1929, transferring certain villages from Kumarkhali police-station in Nadia to Pabna police-station in Pabna.

(9) Notification No. 5311 Pl., dated the 19th December, 1929, transferring certain villages from Daulatpur police-station in Nadia to Lalpur and Charghat police-stations in Rajshahi.

(10) Notification No. 447 Pl., dated the 28th January, 1930, transferring certain villages from Mangalkote police-station in Burdwan to Nanoor police-station in Birbhum.

(11) Notification No. 2293 Pl., dated the 5th July, 1930, transferring certain villages from Rajabari police-station in Dacca to Chandpur police-station in Tippera.

(12) Notification No. 95 Pl., dated the 7th January, 1931, transferring certain villages from Rajabari police-station in Dacca to Bhedarganj police-station in Faridpur.

(13) Notification No. 96 Pl., dated the 7th January, 1931, transferring certain villages from Rajabari police-station in Dacca to Chandpur police-station in Tippera.

The following proposal is under consideration of Government:—

Retransfer of the Gazaria group of villages from Daudkandi police-station in Tippera to Munshiganj police-station in Dacca.

Settlements of khasmahal lands in Bakarganj.

*41. **Babu LALIT KUMAR BAL:** Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement showing for the last ten years—

(i) what quantity of lands has been settled out to the—

(1) Hindus, and

(2) Muhammadans,

respectively in the khasmahal and colonisation area of the Bakarganj district;

(ii) the number of applications for lands received from the—

(1) Hindus, and

(2) Muhammadans,

respectively during the period;

(iii) the number of applications rejected of the—

(1) Hindus, and

(2) Muhammadans; and

(iv) what principles were followed by the Government in distributing lands within the above area?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (i), (ii) and (iii) No record has been kept.

(iv) Preference is given to genuine cultivators whose lands, whether in khasmahal or private zamindaris, have diluviated. Provided they are willing to settle on the land and can provide cattle and plough, the poorest claimants are considered first.

Election of members to the Tippera district board.

***42. Maulvi SYED OSMAN HAIDER CHAUDHURI:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether it is a fact that the Brahmanbaria local board members elected six members to the Tippera district board and the election was set aside twice for certain legal flaw?

(*b*) Is it a fact that the Brahmanbaria local board was allowed twice to re-elect their members to the district board?

(*c*) Is it a fact that the Chandpur local board election was set aside once on the same ground?

(*d*) If the reply to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state whether any chance for re-election was allowed to the Chandpur local board?

(*e*) Will the Hon'ble Minister be pleased to state whether any representation was submitted to him praying that the Chandpur local board might be allowed to re-elect their members to the Tippera district board?

(*f*) If so, what action, if any, was taken on the representation?

(*g*) Is it a fact that the election of Maulvi Fariduddin Ahmed from the Brahmanbaria local board and Maulvi Syed Abdur Rashid from the Chandpur local board to the Tippera district board was considered illegal by the local authorities according to section 59 of the Local Self-Government election rules?

(*h*) Is it a fact that some objections were also made to the Divisional Commissioner, Chittagong, as to the illegality of election of those two gentlemen to the Tippera district board?

(*i*) if the answer to (*h*) is in the affirmative, will the Hon'ble Minister be pleased to state why the election was not set aside?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Mr. Bijoy Prasad Singh Roy): (*a*) Yes.

(*b*) Yes.

(*c*) Yes.

(*d*) No; but the Commissioner was asked to follow the results of the election in his nomination.

(*e*) A representation was submitted that this election should be set aside and held again.

(*f*) See answers to (*c*) and (*d*).

(*g*) Yes, as regards Maulvi Fariduddin. Government have no information about Maulvi Syed Abdur Rashid.

(*h*) See reply to (*g*).

(*i*) Does not arise.

Government payments to newspapers.

*43. **Maulvi SYED JALALUDDIN HASHEMY:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether any subsidy, directly or indirectly, either in cash or subscribing a larger number of papers, is received by any English daily or vernacular weekly newspapers of Calcutta or mufassal?

(*b*) If so, what are their names?

(*c*) Is the Hon'ble Member aware that a Muslim vernacular weekly newspaper of Calcutta is sent through post in large numbers to many persons in different districts of Bengal, free of cost?

(*d*) Is it a fact that the paper is sent at Government expense to make propaganda against the Congress movement?

(*e*) Is it a fact that large number of leaflets and handbills of different shapes and colours without the names of publishers and printers are published by the Government and distributed in the districts of Khulna, Jessore and Faridpur by the dafadars and chaukidars along with the *News Bulletin* published by the Government of Bengal?

(*f*) What is the total monthly expenditure of publishing and circulating free of cost, those handbills and the *News Bulletin*?

(*g*) Is the expenditure borne by the Government of Bengal or the Government of India?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) No direct subsidy is paid to any newspaper either in cash or in subscription for a large number of copies. From time to time Government pay journalists for articles which appear in various newspapers.

(*b*) Government are not prepared to give this information.

(*c*) and (*d*) Government have no information on this subject.

(*e*) A number of such leaflets have been sent out, but Government have no information as to how they are distributed.

(*f*) About Rs. 3,500.

(*g*) By the Government of Bengal.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state, with reference to answer (*a*), the name of the officer who decides how much to pay to a particular journalist?

The Hon'ble Mr. W. D. R. PRENTICE: The Press Officer, Mr. Tufnell-Barrett.

Dr. NARESH CHANDRA SEN GUPTA: Will the Hon'ble Member be pleased to state the principle on which journalists are paid for articles which appear in various newspapers?

The Hon'ble Mr. W. D. R. PRENTICE: Suitability.

Dr. NARESH CHANDRA SEN GUPTA: With reference to the answer to question (*d*), am I to understand that Government are not in a position to deny that papers are sent out at Government expense?

The Hon'ble Mr. W. D. R. PRENTICE: Government have no information and are unable either to deny or admit.

Dr. NARESH CHANDRA SEN GUPTA: Is the Government unaware of what expenditure is incurred on a particular matter?

The Hon'ble Mr. W. D. R. PRENTICE: It is impossible for Government to know all the details. I am not aware of anything about it.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state what expert knowledge Mr. Tufnell-Barrett has got in deciding these matters?

The Hon'ble Mr. W. D. R. PRENTICE: Knowledge gained by experience.

Babu JITENDRALAL BANNERJEE: How many months' experience?

The Hon'ble Mr. W. D. R. PRENTICE: I want notice of this.

Maulvi SYED JALALUDDIN HASHEMY: Will the Hon'ble Member be pleased to state whether articles appear in the newspapers under special instructions of Government?

The Hon'ble Mr. W. D. R. PRENTICE: So far as I am aware not ordinary articles.

Mr. NARENDRA KUMAR BASU: With reference to answer (*a*), will the Hon'ble Member be pleased to state whether payments are made to various journalists for articles that ordinarily appear in the newspapers or articles which appear after receiving the approval of Government?

The Hon'ble Mr. W. D. R. PRENTICE: The latter.

Maulvi SYED JALALUDDIN HASHEMY: Will the Hon'ble Member be pleased to state whether any amount is paid to any journalist for an article on hygiene or any other similar matter?

The Hon'ble Mr. W. D. R. PRENTICE: That can only be answered by the Public Health Department.

Detenu Babu Kalachand Banerjee.

*44. **Maulvi ABDUS SAMAD:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether it is a fact that detenu Babu Kalachand Banerjee (now in Berhampore Jail) who was arrested at Asansol on the 17th November last and detained at the local sub-jail till the 3rd December last, was treated as an ordinary prisoner in respect of his fooding, clothing and other matters during his detention in the said sub-jail?

(*b*) Is it a fact that he sent a representation to the Inspector-General of Prisons complaining against such treatment, but to no effect?

(*c*) Is it a fact that while in the Asansol sub-jail the detenu was attacked with fever but was not supplied with milk during his illness?

(*d*) Is it a fact that on the 4th December last, while still very weak on account of his illness, he was sent to the Berhampore Jail in a 3rd class compartment and given only 12 annas for fooding expenses for a journey covering about 20 hours?

(*e*) Is it a fact that no conveyance being provided the detenu had to walk a distance of about 2 miles from the sub-jail to the Asansol railway station to catch the train, though he was not in a fit state of health to walk the distance without impairing his health?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) Yes.

(*b*) He made a representation to the Inspector-General of Prisons, Bengal, which was received simultaneously with the issue of orders correcting his treatment and transferring him to the District Jail.

(*c*) No.

(*d*) and (*e*) He was not weak or ill and was certified fit for transfer by the medical officer. He was transferred as described in the questions. He was fit to walk.

Maulvi ABDUS SAMAD: With reference to answer (*a*), will the Hon'ble Member be pleased to state who was responsible for the treatment of the detenu as an ordinary prisoner in respect of his food, clothing and other matters?

The Hon'ble Mr. W. D. R. PRENTICE: A *bona fide* mistake was made.

Babu JITENDRALAL BANNERJEE: Sir, are we not entitled to get the information from the Hon'ble Member in charge of Jails?

The Hon'ble Mr. W. D. R. PRENTICE: The matter is within my province. He was a detenu, not a prisoner.

Babu JITENDRALAL BANNERJEE: Am I to understand that political prisoners, as a class, are under the charge of the Hon'ble Member in charge of the Political Department, and not under the Hon'ble Member in charge of Jails?

Appointment of sub-inspectors of police from the Namasudra community.

***45. Rai Sahib AKSHOY KUMAR SEN:** Will the Hon'ble Member in charge of the Police Department be pleased to lay on the table a statement showing for the years 1927, 1928 and 1929—

(*i*) how many assistant sub-inspectors of police were appointed from the residents within the Dacca Division;

(*ii*) how many of them belong to the Namasudra community; and

(*iii*) how many sub-inspectors of police were appointed from the members of that community during the year 1930?

The Hon'ble Mr. W. D. R. PRENTICE: (*i*) and (*ii*) The information is not available and cannot be obtained without detailed inquiries which Government regret they are not prepared to order to be undertaken.

(*iii*) One.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Member be pleased to state the total number of sub-inspectors appointed?

The Hon'ble Mr. W. D. R. PRENTICE: I want notice of this.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Member be pleased to state the number of appointments made from different communities?

The Hon'ble Mr. W. D. R. PRENTICE: I must ask notice of this.

Earnings of the piece-workers in the Bengal Government Press.

***46. Maulvi LATAFAT HUSSAIN:** (*a*) Is the Hon'ble Member in charge of the Finance Department aware that the Piece Inquiry Committee of 1926 recommended and the Government accepted the principle that the earnings of the piece-workers in the Bengal Government Press should be kept constant?

(*b*) Is the Hon'ble Member aware that the earnings of the piece employees of sections E, H and F have decreased within the last three years?

(*c*) If the answers to (*a*) and (*b*) are in the affirmative, will the Hon'ble Member be pleased to state the reasons why the accepted principle is not observed?

(*d*) Will the Hon'ble Member be pleased to lay on the table a statement showing the earnings of each of the piece employees of sections E, H and F of the Bengal Government Press for the last three years, year by year?

The Hon'ble Mr. A. MARR: (*a*) Government accepted the principle of stabilising the earnings of piece-workers as far as possible.

(*b*) Not on the whole. The average earning in the statement mentioned below shows a slight decrease in 1930-31 in section E. This was due to shortage of work. The average in section F in

1930-31 is considerably above the averages in 1927-28 and 1928-29 but below that in 1929-30. This is because the year 1929-30 included very high months due to extra work on the electoral rolls.

(*c*) Does not arise.

(*d*) A statement showing the monthly average earnings for the last four years is laid on the table. The preparation of the statement asked for in the question would entail an amount of labour which Government are not prepared to undertake.

Unstarred Questions

(answers to which were laid on the table).

Moslem excise vendors in Dacca.

14. Maulvi ABDUL GHANI CHOWDHURY: Will the Hon'ble Minister in charge of the Agriculture and Industries (Excise) Department be pleased to state—

(*i*) how many excise vendors are there at present in the district of Dacca;

(*ii*) how many of them are Moslems;

(*iii*) how many licences have been granted during the last 5 years; and

(*iv*) how many of them have been given to the Moslems?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: (*i*) 150.

(*ii*) 19.

(*iii*) and (*iv*) The statement below furnishes the information asked for:—

Year.			Total number of licences.	Number given to Moslems.
1926-27	..	..	153	20
1927-28	..	..	153	19
1928-29	..	..	153	21
1929-30	..	..	152	20
1930-31	..	..	159	19

Medical examination of pupils in Government high schools and senior madrasahs.

15. Maulvi ABDUL GHANI CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether a letter was issued by the Secretary to the Government of Bengal, Education Department, to the Director of Public Instruction, Bengal, approving the medical examination and supervision of pupils in Government high schools and senior madrasahs outside Calcuttta and in hostels attached thereto?

(*b*) If so, will the Hon'ble Minister be pleased to state whether medical instructors have been appointed?

(*c*) If not, is it in the contemplation of Government to appoint such instructors in the near future?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Mr. Khwaja Nazimuddin): (*a*) Yes.

(*b*) No.

(*c*) Medical officers contemplated in the scheme cannot be appointed until funds become available for giving effect to it.

Muhammadan holidays observed in Civil Courts.

16. Maulvi TAMIZUDDIN KHAN: With reference to the answer given to the supplementary question put by Maulvi Abul Kasem in connection with unstarred question No. 98 at the meeting of the Bengal Legislative Council held on the 15th August, 1930, will the Hon'ble Member in charge of the Judicial Department be pleased to state—

(*i*) whether Muslim litigants have their cases on the additional holidays therein referred to adjourned *ipso facto;*

(*ii*) whether Muslim Government Pleaders and Public Prosecutors have such holidays; and

(*iii*) whether the Government are considering the advisability of curtailing the appointment of Muslim officers with a view to prevent dislocation of business on such additional holidays by the absence of Muslim officers?

The Hon'ble Mr. W. D. R. PRENTICE: (*i*) No.

(*ii*) Government have no information on this point.

(*iii*) No.

3 p.m.

Maulvi ABUL KASEM: Will the Hon'ble Member be pleased to state whether he is aware that Lord Sinha (then Sir S. P. Sinha) speaking on behalf of the then Government of Bengal assured the House that the special additional Muhammadan holidays would be treated as closed holidays so far as Muhammadans are concerned.

The Hon'ble Mr. W. D. R. PRENTICE: If the hon'ble member will give me time, I shall look up the matter.

Libraries.

17. MUNINDRA DEB RAI MAHASAI: Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement showing—

(*i*) the number, and

(*ii*) names,

of the libraries in each district, registered under Act XXI of 1860 since the statement made in this Council on the subject in reply to unstarred question No. 181 on the 25th August, 1930?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (*i*) Two.

(*ii*) 1. The Serampore Club, district Hooghly; 2. Mudially Library and Free Reading Room, Umesh Neogy Road, Mudially, Garden Reach P. O., Calcutta.

Costs of sewerage schemes in the Titagarh and Bhatpara municipalities.

18. Babu SATYENDRA NATH ROY: Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state—

(*i*) the total costs of the sewerage schemes in the Titagarh and Bhatpara municipalities separately; and

(*ii*) the amounts contributed by Government respectively to these municipalities?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: (*i*) and (*ii*) A statement is laid on the table.

Statement referred to in the reply to unstarred question No. 18.

	Rs.	Rs.
Total cost of the Titagarh Sewerage scheme.	.....	10,90,272
Government contribution * ...	.....	3,55,000
Total cost of the Titagarh Sewerage Extension and Improvement scheme	.....	2,30,000
Government contribution † ..	.....	76,766
Total cost of the Bhatpara Improvement scheme :—		
Sewerage	13,10,000	.....
Water-supply	3,92,500	.....
Land	4,07,865	.....
		21,10,365
Government contribution‡ ...	.....	7,00,000

Sub-jail clerks.

19. Mr. S. M. BOSE: (*a*) Is the Hon'ble Member in charge of the Political (Jails) Department aware that the sub-jail clerks of this province submitted several memorials to Government praying for improvement of their pay and prospects?

(*b*) Is it a fact that nothing has been done in the matter?

(*c*) Is it a fact that the Inspector-General of Prisons last year requested the Superintendents of Sub-Jails to submit reports about the matter?

(*d*) Is it a fact that the Superintendents submitted their reports?

(*e*) What action, if any, has the Government taken or proposes to take to ameliorate the prospects of these clerks?

MEMBER in charge of POLITICAL (JAILS) DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (*a*) Yes.

(*b*), (*c*), (*d*) and (*e*) Their representations are being carefully examined in consultation with the Inspector-General of Prisons who has consulted Superintendents. His report has recently been received and will receive the most sympathetic consideration of the Political (Jails) Department. The steps which it is desirable and possible to take to ameliorate their prospects have not yet been decided.

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* Paid in full.

† Rs. 25,000 sanctioned.

‡ Not yet paid. Work in progress.

Jailer of Berhampore Special Jail.

20. Dr. AMULYA RATAN GHOSE: (*a*) Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state whether it is a fact that the present Jailer of the Berhampore Special Jail was suspended some time ago for some serious misconduct?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state the reason for placing him in such a responsible post?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) and (*b*) Yes, he was suspended for certain irregularities in accounts but was reinstated as a result of further inquiry on an appeal. His service being in all other respects unblemished he has been promoted in the ordinary course.

Babu Karunamay Mitra, Subdivisional Officer, Satkhira.

21. Maulvi SYED JALALUDDIN HASHEMY: (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to state the maximum period of time allowed to a District Officer or a Subdivisional Officer to serve in a particular station?

(*b*) Will the Hon'ble Member be pleased to state how long Babu Karunamay Mitra, Subdivisional Officer, is serving at Satkhira?

(*c*) Are the Government considering the desirability of transferring him from Satkhira in the near future?

(*d*) If so, when?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) There is no maximum period but ordinarily such officers are not kept in the same charge more than three years.

(*b*) Since February, 1927.

(*c*) and (*d*) He will be transferred when general conditions make a transfer convenient.

Maulvi SYED JALALUDDIN HASHEMY: Will the Hon'ble Member be pleased to state the reason of not transferring Babu Karunamay Mitra.

The Hon'ble Mr. W. D. R. PRENTICE: There had been a number of other changes in the staff at Khulna and the District Magistrate asked that Babu Karunamay Mitra should be left until matters had settled down.

Maulvi SYED JALALUDDIN HASHEMY: Is the Hon'ble Member aware that he acts as a partisan in all the elections in the subdivisions.

The Hon'ble Mr. W. D. R. PRENTICE: I am not aware of it.

Observation of rules by undertrial prisoners in jail.

22. Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state whether it is a fact that in the Bengal jails undertrial prisoners are obliged to follow the Jail Rules intended for convicts in the matter of showing respect to the officials of the jail and going through the different items of jail discipline at a time when they have not yet been found guilty by any competent court?

The Hon'ble Sir PROVASH CHUNDER MITTER: The member is invited to refer to the answer given to Council Question No. 70 (starred) asked by Maulvi Abdul Hakim in the last session. The treatment of undertrial prisoners is governed by chapter XXVI of the Rules for superintendence and management of jails.

Qualification of a candidate for local board membership.

23. Rai Bahadur SATISH CHANDRA MUKHERJI: (*a*) Has the attention of the Hon'ble Minister in charge of the Local Self-Government Department been drawn to the fact that by repeal of section 9 of the Local Self-Government Act by the Bengal Village Self-Government Act, 1919 (Bengal Act V of 1919), the qualification of the candidates for local board membership has been considerably changed?

(*b*) Will the Hon'ble Minister be pleased to state whether it is in the contemplation of Government to widen the basis of qualification of candidates so that residence in the subdivision may be sufficient to qualify a member to stand for the local board membership?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: (*a*) Under item 4 in Schedule I of the Village Self-Government Act of 1919 read with Village Self-Government Act V of 1919 as candidate for election to a local board must be qualified to vote at an election of members of a union board, and therefore be a resident within a union board, whereas under section 13 of the Local Self-Government Act, III of 1885, he must have a fixed place of abode within the subdivision.

(*b*) Government recognize the anomaly and will take the matter into consideration.

Usurious Loans Act.

24. Maulvi ABDUL HAMID SHAH: Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether the Government is contemplating legislation with a view to amend the Usurious Loans Act of 1918 regarding the rate of interest?

The Hon'ble Mr. W. D. R. PRENTICE: No.

The discussion on motions under Rule 24A of the Bengal Legislative Council Rules, 1920, was then resumed.

Mr. PRESIDENT: Dr. Sen Gupta, you better move all your three amendments and make one speech on them.

Dr. NARESH CHANDRA SEN GUPTA: I move, by way of amendment, that in the motion standing in the name of Mr. S. M. Bose all the words after the words "Central Government" be omitted and the following substituted therefor, namely:—

"While satisfied that the policy outlined by the Prime Minister offers a satisfactory basis for discussions on the details of the future constitution, this Council is convinced that no constitution however generously conceived can lead to any good unless, both at its inception and in its working, it is broad-based on the good-will of the people; and this Council is therefore of opinion that in order to secure the necessary good-will of the people and ensure a calm and sympathetic consideration of the proposal by the people, all political prisoners should be forthwith released, all special laws and ordinances directed towards the suppression of any form of political agitation should be withdrawn and all actions taken by the Government for suppression of any form of political agitation immediately abandoned."

I also move, by way of amendment, that for the second paragraph of Mr. P. N. Guha's motion beginning with the words "This Council is further of opinion" and ending with the words "people of Bengal" be deleted and the following substituted therefor, namely:—

"While satisfied that the policy outlined by the Prime Minister offers a satisfactory basis for discussions on the details of the future constitution, this Council is convinced that no constitution however generously conceived can lead to any good unless, both at its inception and in its working, it is broad-based on the good-will of the people; and this Council is therefore of opinion that in order to secure the necessary good-will of the people and ensure a calm and sympathetic

consideration of the proposals by the people, all political prisoners should be forthwith released, all special laws and ordinances directed towards the suppression of any form of political agitation should be withdrawn and all actions taken by the Government for the suppression of any form of political agitation immediately abandoned."

I further move, by way of amendment, that in the motion of Mr. J. N. Gupta, line 7, after the word "province" the following words be inserted, namely:—

"by releasing all political prisoners, repealing or suspending all repressive laws and by abandoning all prosecutions and repressive action against political agitators and political movements."

Sir, I was telling the House yesterday that it was premature to go into ecstasies until we know the details of the scheme, but at the same time I wish this House to express their gratification that the principles laid down by the Prime Minister offer a satisfactory basis for discussion on the details of the constitution. I hope, Sir, that the House will notice that in my proposed amendment the appreciation of the principles laid down by the Premier so far as they go is not clogged by any condition or limitation such as Mr. Guha has imagined. I ask you to accord the fullest recognition to the generous character of the principles as a basis for future discussions on details.

If I refer later on, in the amendment, to the question of amnesty or of the withdrawal of repressive laws and activities, I do so only because I feel that without such action it will not be possible for our countrymen to bring to the discussion of the details of the constitution the cool judgment and good-will that is needed to tackle the problem satisfactorily.

The amendment further commits this Council to no judgment on the past; it does not say whether the repressive laws and activities were justified or otherwise. I have my private opinions on it as others no doubt have their own, but at the present moment, when I deem it the duty of every body to work for an honourable peace, if possible, I do not want this House to pass its judgment on the policy pursued by the Government in the past year. All I want you to say is that in the interest of a peaceful settlement, and in order to give a fair chance to the principles enunciated by the Prime Minister to be translated into facts it is essential that the irritations of the past year should be wiped off so far as possible.

I shall be told perhaps that the Government has done its bit by releasing the members of the working committee. I regret to say that it was too halting a gesture to rouse an adequate response in the minds of the people. And, such as it was, it was followed close at its

heels by the arrest of the Mayor of Calcutta and a raid on the newspaper office of Mahatma Gandhi, not to speak of the unabated vigour and energy of the police in arrests, assaults and prosecutions in respect of men and women alike. These acts served no useful purpose, but they have well nigh cancelled the effect of the Premier's speech and the qualified clemency of the Viceroy.

Sir, Mr. S. M. Bose has pleaded for confidence and faith—the faith that moves mountains as he says. I join with him in his wish for peace and even in his wish for faith and confidence. In fact I consider mutual faith and confidence to be the *sine qua non* of a solution of the problem before us. But does Mr. Bose seriously expect that the people will have the faith merely for the asking, with sixty thousand of their fellow-countrymen rotting in jail and with ordinances and *lathis* relentlessly persisting in their daily job, and a burning sense of suffering undeserved rankling in their breasts? No, Sir, it will be more than humane to expect them to have confidence unless the Government is prepared to back up the generous words of the Prime Minister by deeds which show that they have confidence in the people and that they have sincere faith in the policy they have professed. The Prime Minister has expressed his surprise that so much flutter should have been caused for so little difference. He feels that the difference between the Government and the Congress is ever so slight. If the Government of India believes this to be true, why do they in their turn make so much fuss for this slight difference? What then should prevent their withdrawing the upraised arm of repression and making a bid for confidence of the people by the unequivocal demonstration of their own confidence in the people much as I admire the spirit and the imagination displayed by the Prime Minister in his speech. I greatly deplore that right here, up against this urgent call for decisive action, the soaring idealism of Mr. MacDonald shrunk and slid into the narrow shell of a nervous bureaucrat. It is a thousand pities that he did not take courage in both hands and follow up his statement of great principles by an unqualified offer of suspension of hostilities. He is willing to grant amnesty, he said, if the civil disobedience movement was withdrawn. And why? Does the Government seriously think that by the release of political prisoners at the present moment the country will be thrown into a mess? I have never believed that the country could have been in a worse mess than it is now in if the Government had not launched on its policy of repression. Of this I am sure, in any case that if the generous principles laid down by the Premier were seconded by a general amnesty and the withdrawal of repressive laws there could not be the slightest risk of the country being thrown into a welter.

Why then make the withdrawal of civil disobedience a condition of amnesty? Why not make a decisive gesture and trust to that to

bring forth a generous response? Shall it be said that an issue of this magnitude shall after all be made to hang on the slender thread of *izzat*?

I shall conclude, Sir, with a straight question to the Government. Do they or do they not want the people to take the words of Mr. MacDonald as sincere expressions of the mind of a man who means well to India? If they do, there is only one way in which they can create that feeling—by following the course that my amendment suggests. If they decline to follow this obvious course people will never be convinced of their sincerity and they will have themselves to thank if people say that the Government in India mean to do its best to smother the effect of the Premier's speech and to find excuses for whittling away generous promise it holds forth.

Maulvi TAMIZUDDIN KHAN: I move, by way of amendment to motion of Mr. B. M. Bose—

(*a*) that in line 5 after the words "Indian aspirations" the following shall be inserted, namely:—

"provided—

(*i*) that the legitimate rights of the Muslim community and other minority communities including the depressed classes are properly safeguarded in the constitution that may be framed on the basis of the declaration, and

(*ii*) that the transitional period mentioned in the declaration is fixed by statute to a reasonable limit in consultation with responsible Indian opinion;" and

(*b*) that the following shall be added at the end:—

"And as a practical step towards the early realisation of our national aspirations this Council recommends to the Government to appoint a representative committee consisting of members of this Council to go into the question of a proper settlement of communal differences in this province and to submit their recommendations to the Government within three months to be placed before the next session of the Council for consideration."

I also move, by way of amendment to motion of Mr. P. N. Guha—

(*a*) in paragraph 1, line 4, after the word "declaration" the following shall be inserted, namely:—

"with proper safeguards for the legitimate rights of the Muslim community and other minority communities including the depressed classes";

(b) that paragraph 2 shall be omitted; and

(c) that at the end of paragraph 3 the following shall be added, namely:—

"And as a practical step towards the early realisation of our national aspirations this Council recommends to the Government to appoint a representative committee consisting of members of this Council to go into the question of a proper settlement of communal differences in this province and to submit their recommendations to the Government within three months to be placed before the next session of the Council for consideration."

I further move, by way of amendment to motion of Mr. J. N. Gupta, that at the end the following shall be added, namely:—

"And as a practical step towards the early realisation of our national aspirations this Council recommends to the Government to appoint a representative committee consisting of members of this Council to go into the question of a proper settlement of communal differences in this province and to submit their recommendations to the Government within three months to be placed before the next session of the Council for consideration."

Sir, I think that every one in this House will agree with the movers of these three resolutions in welcoming the Premier's declaration. We welcome the declaration not because it enunciates any new principle but because it announces a distinct step forward in the constitutional evolution of India. To my mind it is a mistake to think that the declaration contains any new principle. The Premier himself makes this point perfectly clear in his historic speech. After emphasising on the sincerity of the British nation to lead India to self-government the Premier says: "Pledge after pledge had been given to India that the British Raj was there not for perpetual dominion. . . . . Why have our Queens and Kings given you pledges? Why have our Viceroys given you pledges? Why has our Parliament given you pledges?" What these pledges are is made further clear by the Premier in his speech in Parliament in connection with the debate on the Round Table Conference. Therein he refers to the various declarations made on behalf of England since the year 1908 and quotes the 9th clause of the revised instruction issued to the Governor-General of India by Order in Council on March 9, 1921, which runs thus: "For above all things it is our will and pleasure that plans laid by our Parliament for progressive realisation of responsible government in British India as an integral part of our

Empire may come to fruition, in the end, that British India may attain its due place among our Dominions."

The Premier, therefore, admits that England is pledge bound to give India self-government and to give her a status equal to that of the Dominions. He further admits that each step hitherto taken towards the realisation of this noble ideal contained in it the seeds of the next step in advance. So let us not run away with the idea that as regards principle anything new has been enunciated in the declaration under consideration. Nevertheless, as I have already said, it is a momentous and historic declaration as it will be a great stride forward towards the realisation of our goal if the declaration is given effect to in a spirit of broad-mindedness so as to secure the good-will and co-operation of all sections and communities composing the great Indian nation.

3-15 p.m.

This brings me to a consideration of the first amendment I have moved. The great community to which I have the honour to belong is an essential limb of the Indian nation of which every son of India cannot but be proud, and as such not only the compatriots of my community but all true sons of India should be solicitous about the well being of this essential limb as well as of all other limbs of the nation. Unfortunately there are people in this country who are not broadminded enough to recognize this patent fact and that is the reason why care should be taken on the eve of a constitutional advance that none of these limbs may be relegated to a position of neglect in the new scheme of things, for that will be disastrous not only to the communities concerned but also to the entire body politic. That is why we demand safeguards, that is why minority communities demand safeguards, and that is why the depressed classes want safeguards. This is not a proper occasion to discuss what these safeguards should be. There has been many a disastrous shipwreck on the rock of this communal question and it is hardly to be expected that any substantial result can be achieved by a few hours' discussion on this occasion, towards the solution of this difficult problem. It is much to be regretted that my honourable friend Mr. J. N. Gupta in his otherwise dignified speech yesterday, could not avoid the raising of a very controversial issue. Speaking about the demand for separate electorates he said that an impartial judge like the Prime Minister has given judgment against the demand. No doubt the Premier showed something like a left-handed attitude towards the claims of the Moslems and the minorities in general, but I think he cannot yet be blamed with having pronounced any judgment. The problem is a peculiar one and is in a manner alien to the genius of the nation to which he belongs. It is not therefore surprising that he may require more time and further opportunities to study this question. I am

sure he and the Government of which he is the head will not forget that in the difficult task of grafting western institutions on the eastern soil the peculiar environments of India must not be lost sight of. However to return to the dictum of my honourable friend to my right that an impartial judge has given his judgment I am bound to say that in this he has grievously erred. The judge has not yet been able to come to a decision. On more occasions than one in his fascinating speech he has called the communal problem a most fascinatingly difficult one and in consequence on account of its seriousness and intricacy has thought fit to postpone further hearing.

One thing the Premier has said in this connection must————

Mr. J. N. GUPTA: On a point of personal explanation. I never made a statement of the kind; I never said that the Prime Minister has passed a definite judgment on that case. I deny that I made any such statement.

Maulvi TAMIZUDDIN KHAN: If I heard him aright I think he said that an impartial judge has given a judgment.

Mr. J. N. GUPTA: I never used the word judgment.

Maulvi TAMIZUDDIN KHAN: However, one thing the Premier has said in this connection must, to my mind, be particularly inspiring to those who really desire a satisfactory solution of the communal problem. He says: "Now I want you to take it from me that the attitude of the British Government in such relations is nothing more than an overpowering desire to leave you to settle your own affairs" Again: "Believe me the British Government has no desire to use your disagreements for any ulterior purpose—quite the opposite. Our one ambition is that we might pave your way and smooth your path to that much required internal unity amongst yourselves." Now, Sir, if we are really welcoming the Premier's declaration at heart and not offering it a mere lip devotion, if we are really solicitous about our country's future and if the local Government here shares the overpowering desire of His Majesty's Government to pave our way and smooth our path to a settlement of the communal discord which like an insidious poison is eating into the vitals of the nation, may I request the House to accept my amendment for the appointment of a representative committee for considering this question and may I ask the Government to accept the suggestion and take early steps in the matter. Now is the time to decide whether we mean business or not. If you really mean business I see no reason why my amendment should not be accepted. If you are merely disposed to indulge in fine talk do not say again that you represent the suffering, starving teeming millions of the country.

As for my second amendment that the transitional period mentioned in the Premier's declaration should be fixed by statute to a reasonable limit in consultation with responsible Indian opinion, I think I shall be echoing the voice of the entire House in making the demand. England's avowed policy seems to conciliate, to satisfy India. India on her part is conscious that some safeguards are necessary during a transitional period. But if the transitional period is suffered to remain enveloped in mist you allow suspicion to creep in. England and India are going to enter upon a new era in their mutual relations. Is it not just and proper that in this happy union no room should be left for the demon of suspicion even to peep into your parlour? Banish her once for all and march together shoulder to shoulder to the goal in sight for the good of you both, the good of India and England as well as for the good of the entire amazed and admiring world.

The Hon'ble Mr. W. D. R. PRENTICE: I rise on behalf of Government to support Mr. Bose's motion, and I would like at the outset, if I may, to congratulate Mr. Bose on the spirit which pervaded his speech, the spirit of trust and good-will, of mutual amity and understanding, and to express the hope that this spirit may continue to dominate our discussions of this all-important matter. If it does, I am certain we shall arrive at a satisfactory conclusion much quicker than otherwise would have been possible. Sir, the declaration made by the Premier has opened up a new vista through the forest of Indian administrative problems and it is now for us, whether officials or non-officials, whatever be our caste or creed, to co-operate in opening up a broad highway along the trail that has been blazed for us by the Premier and the Round Table Conference, so that India may reach as easily and as quickly as possible the goal of "full responsibility for her own government" announced in the Premier's statement. We should be foolish to shut our eyes to the tremendous amount of difficult and hard work that must be done before that goal can be reached. There will be the rocks of financial and administrative problems to be removed or circumvented; there will be the morasses of mistrust and suspicion over which the road must be carried on a firm foundation of confidence and trust and there will be the tangled thickets of what the Premier described as the general problem of the minorities and the various communities to be struggled through and finally to be cleared out of the way altogether. Many gaps will have to be bridged, many inequalities levelled and many rough places made smooth. But I am certain that if all parties and communities cordially co-operate in the work, the difficulties and dangers that have to be faced will be gradually overcome and the goal will be reached at a much earlier date than at first sight may seem possible.

But the first essential of success is that there shall be cordial co-operation, that none of our energies shall be wasted in opposing or

obstructing one another, but that *all shall* be *devoted to* one common end, namely, as stated in Mr. S. M. Bose's motion "working out the details of the scheme outlined by the Premier." Sir, now that this epoch-making declaration has been made by the Premier with the consent of all parties in Parliament I would plead with that large section of the community which has up till now adopted the policy of non-co-operation to realise that the time for such an attitude has passed and that what is needed now in the interest of their own province and of India as a whole is co-operaion, not non-co-operation, constructive and not obstructive or destructive work. For, on their side, given the opportunity, Government will do all they possibly can to co-operate inside and outside of the Council with those who are working towards the fruition of the Premier's declaration.

Mr. J. N. Gupta in his motion calls upon Government "to forthwith remove all obstacles in the path of the sympathetic reception of the Premier's scheme by the people of the Province," but Dr. Naresh Chandra Sen Gupta in his amendment to this motion has asked that "all political prisoners should be forthwith released, all special laws and ordinances directed towards the suppression of any form of political agitation should be withdrawn and all actions taken by the Government for suppression of any form of political agitation immediately abandoned." Sir, I regret very much that this last gentleman has seen fit to move this amendment in that it introduces a jarring note in to-day's proceedings. For Government must oppose the amendment if it is pressed and the unanimity of the Council in dealing with the important subject now under discussion will be disturbed. Sir, I can assure you that Government will do all they can to remove obstacles from the path of those who desire to co-operate. Further, they will do everything possible to facilitate a change of direction in the energies of the party of non-co-operation and they and their officers will co-operate heartily in any work that may be required for the establishment of ordinary representative institutions in Bengal. But until Government are satisfied that there has been a genuine change of direction in the energies of the other party they cannot agree forthwith to release all political prisoners and to the withdrawal of the special powers with which they have been armed, or the special measures which they have taken to cope with the forces of civil disobedience. But while I say this I can assure you, Sir, that so soon as Government are satisfied, with due regard to their responsibility for the safety and good order of the Province, that they can do without the special powers with which they are at present armed they will gladly abandon them and they will not be backward in responding to an appeal for the release of prisoners, even though it may finally prove impossible. I am afraid to release all of those whom I imagine Dr. Naresh Chandra Sen Gupta includes in the indefinite term "political prisoners." I would appeal, therefore,

to the mover of this amendment to withdraw it and to content himself with the general appeal made in Mr. J. N. Gupta's motion which Government are prepared to accept. If he does this and the motion is accepted by the Council he can be certain that as soon as civil disobedience has been effectively called off Government on their side will do all they can to bring about the favourable atmosphere for the consideration of the Premier's declaration. For I can assure Mr. Gupta that the local Government are, and will continue to be, loyal to the spirit of that declaration.

3-30 p.m.

I would also strongly support the appeal made in Mr. Gupta's motion to the members of this House to do all in their power to help forward the speedy completion of the structure outlined in the scheme particularly by a satisfactory and agreed solution of communal differences, and I would extend this appeal to all the leaders of Hindu and Muhammadan opinion outside the Council. It is useless shutting one's eyes to the fact that communal differences are the greatest difficulty that has faced those who have endeavoured to draw the outlines of the new system of ordinary representative institutions in Bengal. The solution of this difficulty must come by agreement between the leaders of the two great communities supplemented by a willingness of the communities themselves to support and carry out any agreement that the leaders may arrive at. I can only repeat what the Prime Minister said, viz., that Government will continue to render all the good offices it can to help to secure a settlement, so that the new constitution may start off with the good-will and confidence of all the communities concerned.

I should like here to refer to the amendment of Maulvi Tamizuddin Khan and ask him to consider whether he will not be prepared to withdraw it. His first point about the safeguarding of the legitimate rights of the Muslim community is covered by that portion of Mr. Gupta's resolution, which refers to an agreed solution of communal differences, and the Prime Minister's statement is much on the same line. In his second proviso he has asked us to agree to a statutory period for the transition stage, but I submit, Sir, that this is not a matter for this Council to decide.

As regards his last point, viz., the appointment of a committee consisting of representatives of this Council, I think that all members of this Council, whether Hindus or Muhammadans, will recognize that if a committee is to be appointed to solve the communal problem it cannot possibly be composed of members of this Council only. It must include other leaders of the two communities who are outside this Council. Further, I do not think that this committee should be appointed by Government, it ought to be set up by the communities

themselves. But I am prepared to promise on behalf of Government that if later on after the members of the Council have had time to discuss and consider the information which the delegates from Bengal who attended the Round Table Conference are arranging to communicate to them, the Council still desires Government to appoint a committee for the purpose stated in Mr. Tamizuddin Khan's amendment, Government will consider the proposal. But from the point of view of Government I must make it clear at the outset that this problem can only be solved by agreement between the communities themselves and that Government can only assist them in their efforts to solve it, and can do nothing further.

As regards Mr. P. N. Guha's motion asking Government and the people of the different communities to unite in making a careful survey of conditions preliminary to devising a constitution suitable to the needs of Bengal, I would point out that until we know what the programme for the future is we cannot well take in hand the drafting of a constitution. According to the announcement made in the Press, the Prime Minister is already discussing with the next Viceroy the steps to be taken to continue the working out of the new constitution from the point which it reached when the Round Table Conference was adjourned. As soon as Government are aware of the steps which they are expected to take next, they will at once consider the best means of taking them and they will make the fullest use possible of the co-operation which this Council will express its willingness to give if, as I hope, this Council adopt Mr. Bose's motion. I suggest that Mr. Guha might withdraw his motion and that the motions proposed by Mr. S. M. Bose and Mr. J. N. Gupta may be adopted unanimously by the Council.

Sir, we are standing on the threshold of an enterprise of which we know the goal, but of the details of the route that will lead us to it we are yet ignorant. The undertaking is one fraught with issues of vital moment to the inhabitants of India and of Bengal; to bring it to a successful conclusion will require not only much hard work but also a real faith and a firm belief in the importance of the object to be attained. In the past there may have been differences of opinion both as to the goal to be reached and the route to be followed but now that these have been clearly indicated for us, there is now no obstacle in the way of our all uniting in the grand design of bringing the enterprise to a successful, happy and speedy conclusion. (Cheers.)

Mr. W. L. TRAVERS: Mr. President, at the outset, Sir, I wish to express my sympathetic congratulations to the hon'ble members who have moved these motions. In the not very distant future, it is probable that a great desire will be satisfied—that what they have hoped and longed for, will come to pass. And when that desire is the

very natural one of Government of their own country, any and every Britisher must participate in their joy and hopefulness.

The Round Table Conference has brought conciliation and concession and has convinced the Indian members of that Conference at last, of the sympathy and truth of British Policy. But for that policy and conciliation to reach the practical result it must be met halfway by the conciliation and the co-operation of the other side. And, Sir, the words of these resolutions are proof that hon'ble members are indeed ready at once to co-operate in full measure.

I personally have always been sympathetic to Indian aspirations for Home Rule—I am speaking for myself to-day, and not as Leader of the Group—I think that the many years of service and co-operation which I have given such as they are, entitle me to refute any charge that I am a diehard. I have done my utmost to make the present constitution a success, and I shall do my utmost to help forward the one of the future also.

But, Sir, on principle I am conscientiously opposed to the adoption of the British model of responsible Government in the Central Administration. I think that, India being what she is, a vast country whose Provinces—the States to be—differ so greatly in language, in race, in development and in religion, it would have been far preferable had there been an independent Central Executive, not responsible to the vote of the Assembly. I consider that responsible Government will add very much to the difficulties and dangers, of the future. There are certain to be great differences of opinion, and difficulties between state and state, and community and community. Responsible Government must in my opinion intensify, instead of settling, those difficulties and dangers.

But leaving that aside I have to say that a political agreement between the Hindu and Muhammadan is, I consider, an essential preliminary. Such a political agreement would at least give the opportunity, if joined by co-operation and tolerance, of a happier feeling between communities and a possible final settlement. I am with Mr. J. N. Gupta in this respect. But I would add more. As the Hindus have gained the promise of responsible Government, *with safeguards*, and as they are the majority community, I think it would be wise if their leaders conceded the separate electorate, and representation upon a population basis in Bengal and in the Punjab.

Finally, Sir, I repeat what I have said of British Policy—the policy of British non-officials in this country. It is this. Provided that there be no discrimination against British commerce or the British, or any other minor community it will be found, Sir, I am certain, that every Britisher, whatever be his personal views, will desire to serve, and to do everything that he can to bring to success the constitution of this India which we love so well.

Babu JATINDRA NATH BASU: Sir, in considering the question that has been placed before the Council by the movers of the various resolutions that are now being discussed, we should remember that the matter that we are considering is one of permanence. Reference has also been made to certain other things, such as some acts of Government on the one hand and some acts of certain political organizations on the other. But we must remember that these acts are merely ephemeral while the structure that is going to be framed will be a permanent one. It will be a lasting structure which we all hope will be a structure of which all Indians, to whatever creed or caste they may belong, will be proud and which will enable Indians to mould their own destiny and will lead to the progress and contentment of future generations of Indians. Let us not forget this.

3-45 p.m.

Mr. Tamizuddin Khan has brought forward certain amendments. I can assure him on behalf of myself—and I believe I echo also the views of the members of my community—that the case of the Moslem and of any other minority community can never be ignored. He should remember that the Moslems are as much a cherished possession of India as the Hindus or any other communities are. In the concerns of everyday life I find that Hindus and Muhammadans are intimately associated with one another. There are in India Hindu places and Muhammadan places of pilgrimage. There is the famous shrine of Moinuddin Chisti at Ajmere which is frequented by people from all over India. There are as many Hindus as Muhammadans paying homage to the memory of the great saint, and I myself paid that homage. In the tomb of Nizamuddin Aulia in Delhi the same thing will be observed; so also in the tomb of Bahauddin Chisti at Rosa in the South. The Muhammadans are as much interwoven in the life of India as any other community. The ruins of the Adina Mosque at Pandua stir up as much feeling in the Muhammadans as in the Hindus. Here in Calcutta we find that in the Hindu quarter of Bara Bazar a Hindu gentleman had about a century ago a Muhammadan employee as steward or manager—a saintly man—and on the latter's death the Hindu employer erected a beautiful tomb in front of his house and among the number of devotees at that shrine there are more Hindus than Muhammadans, and the tomb is still looked after by the descendants of the Hindu employer.

Attempts have no doubt been made and are undoubtedly being made to show that the interests of the two communities differ. In the everyday concerns of life there is no cleavage between the two communities. But we cannot ignore the situation as it now stands. If the Muhammadans do not feel the confidence which probably they will come to feel in course of time, and they hold that unless they have representation in the legislatures in a certain way, they will not have their views properly

urged, it is a feeling which we cannot but respect. It is a feeling about which some may think that there is no justification. Let us therefore show that they should not entertain that feeling. As one of my friends has pointed out, the question of Hindu-Moslem settlement is one between two brothers—the two sons of the same motherland. It is a question which, with mutual good feeling is capable of a satisfactory solution. So long as I have been in political work I have found that Muhammadans are as keen and anxious for the political advancement of India as any other community. They have worked silently and quietly not only for the advancement of their community but also of the country. Their contributions to art and literature have been invaluable and I am sure that in the days to come the contributions of our Muhammadan brethren will be as great and as valuable, probably greater than what they have been in the past.

Sir, Mr. Travers entertains some doubts and apprehensions as regards the Muhammadan question. I can assure him that both the Hindus and Muhammadans are conscious that there is this difficulty; but it is a difficulty that they must settle between themselves without any extraneous help. It is a dispute in their own home and they are both anxious to have a settlement which will be satisfactory to both parties; and that can only be done by the spirit of give-and-take and good-will. The good wishes for an amicable settlement coming from other communities will help a satisfactory solution.

As regards Mr. Travers' remarks about the Central Government, his apprehension is that as India consists of such different races, castes and creeds, speaking different languages, unless there was an administration at the centre which was not responsible to the central legislature it would be difficult to carry on the Government as contemplated under the scheme detailed in broad outlines by the Round Table Conference. But I can tell you, Sir, and my friend, Mr. Travers, that similar objections were urged against other federations, viz., the Federation of the United States, the German Federation, and the Canadian Federation. In Canada there were Englishmen professing a different faith from the Frenchmen who resided in Ontario and the other French districts. They spoke a different language and had different traditions. But all these did not stand in the way of a strong federated state being established in Canada. I may tell you, Sir, whether we be Hindus or Muhammadans, or whether we belong to the higher classes or the so-called depressed classes, no Indian will be prepared to continue in the status in which they are now. They have suffered, they have been trained in the school of suffering and British, with her traditions of freedom, her splendid literature, cannot deny a brother people the freedom which is the spirit of her people. The people of India have not always been distrustful of the British. When the British first came to this country they were received with

feelings of sympathy and good-will. The Mogul Emperors permitted them to establish factories and to erect forts and treated them hospitably. It is trust that can beget trust. I appeal to Government to see that the measures that are taken regarding technical breaches of the law are not persisted in in the way in which they have been persisted. On a previous occasion in this Council I spoke about a procession with flags and the police arrested some of the men there for being in the procession. If the Member in charge of the department instead of sending policemen with batons had made a present of another flag to the procession, such a course would have led to the desired effect and might have created a spirit of good-will. It is after all the spirit that is important. You cannot in matters of administration and in matters of State proceed merely on hard and technical lines ignoring human feelings and impulses, their trend and implication. A spirit of forbearance and toleration would have met the situation. Sir, I trust that that spirit will animate the Government. I also hope that the people will respond to that spirit, so that an atmosphere will be created which will make for peace and progress in the country.

As regards the remarks made about the Prime Minister regarding the communal question, I can assure the House that the Prime Minister did not come to any definite conclusion on this question, but left it to be settled by the two great communities as between ourselves.

Babu JITENDRALAL BANNERJEE: Sir, I may say at once that I am in general sympathy with the spirit of the resolutions, but my task has been made difficult by the speech delivered by the Hon'ble Mr. Prentice. Mr. Prentice has paid his compliments in advance on the resolution of Mr. S. M. Bose, and it will be my duty to express my strong dissent from that resolution in particular. The wordiness of that resolution, the prolixity of it, and the general unctuosity of its tone makes me express my strong disapproval of it. We in this Council, most of us, wish to express our appreciation of the statement made by the Prime Minister, but at the same time it is no good saying things which are not true. It is no good pretending that all is well when all is far from being well; it is no good pretending that there is peace when there is no peace in the land. Mr. S. M. Bose in the course of his resolution says that the Prime Minister's statement is one that is likely to satisfy Indian aspirations. Sir, that is not a statement of fact. Mr. Bose knows it very well. We know it very well that it has not satisfied Mahatma Gandhi, it has not satisfied the Congress people, it has not satisfied the very large section of the country that is represented by the Congress. It may be that we appreciate the statement. It may be that Mr. Bose appreciates the statement; but it is no good pretending that it is likely to satisfy the aspirations of the country as a whole.

But, Sir, if I am not one with all the statements made by Mr. Bose, I must say that I differ equally from certain points in the amendment moved by Dr. Sen Gupta.

4 p.m.

Sir, it was useless, I think it was even injurious on his part, to raise the question of a general amnesty of the political prisoners. That is not a thing which the political prisoners themselves very greatly care about. It makes me sick to hear this kind of sentimental gush about political prisoners from people who have taken care never to be political prisoners themselves. I have been a political prisoner myself. I have spent the best part of three years in jail. Nay, I have been in jail within the last three months. I claim to know something of the mentality of political prisoners, and I can tell you that they resent the idea that they should be regarded as something in the nature of a stumbling block in the way of the future settlement of the country. It does not matter in what light you look upon the Premier's statement—you may appreciate it or not—but do not use us, do not *exploit* us, as pawns in the game. In July last when the Sapru-Jayakar negotiations were going on I was in the Alipore Central Jail; and it made us squirm—there is no other word for it—to see how we were being treated as pawns in the political game—as if amnesty was to be held out as a sort of bribe before us. Sir, the political prisoners know what they are about. They have counted their cost and they have paid their price. They have done what they thought proper, irrespective of your discussions, your consultations and your negotiations. They only say, "go on with your discussions if you like, but do not use us as pawns in your game." In this connection I may say that I am sick also of that talk about "atmosphere" that is so frequently indulged in by certain persons. "Release the political prisoners," they say, "and it will create an atmosphere of peace in the country." I say that this is extremely problematical, it may or may not have any effect upon the atmosphere at all. History confirms my view. Government released political prisoners in 1919; but did that produce any effect in the country at large? We, who had been hostile to the Montagu-Chelmsford Scheme before, continued to be incurably hostile to it afterwards, in spite of the release of political prisoners. You have got to change the idea that the prospect of release will act as a sort of bribe or temptation upon political prisoners. They are beyond the reach of that kind of temptation, it will not produce any change of heart in them.

There is another factor which we sometimes forget, but which the political prisoners do not forget. Let us not forget that civil disobedience is civil war. This may sound unpalatable to some people, but it is a statement of fact, pure and simple. Civil disobedience, however much you may try to whittle it down, is civil war; and the

political prisoners themselves recognise it and do not seek to minimize its significance or its implications. War suspends the rules of normal legislation. How can we expect the Government to declare a truce when the people themselves may or may not want it? If there is to be truce, there must be a give-and-take—there must be a mutuality of concessions on both sides. The people must give up civil disobedience just as Government must release political prisoners and withdraw repressive legislation. This is not to say that I do not want the release of the political prisoners. Release them by all means. That will be a royal gesture of generosity, which will leave an incalculable effect but of which the present members of Government seem to be incapable. But do not link up the two things together, do not mix up the questions of the Prime Minister's statement with the release of political prisoners.

Sir, passing on to the Premier's statement itself, I must once again repeat that I appreciate that statement in all its aspects. I appreciate the form of the statement. I appreciate the substance of the statement. So far as the form is concerned, nothing could be an improvement upon it. There is no sense of bargaining in it—no sense of huckstering, no sense of bluff. It is a plain statement of facts. "Thus far we can go and beyond that we cannot go." This is perfectly plain and sincere. It may not satisfy our political aspirations. But that is another matter altogether. You cannot say that the Premier's statement was a bluff. It would be a misuse of words to say that it was bluff. There is no element of bluff in the speech and there is no element of bribery in it. The Premier is perfectly plain and above-board in his statement. He says, "I give you this particular thing—I give full responsibility in the provinces, but in the centre I give you only partial and qualified responsibility." There is absolutely no exaggeration of the case, no hint of a concession which he is not prepared to make. And we must respond to the Prime Minister's statement in a like spirit of frankness and absence of mental reservation.

As regards substance, and considering the question from the point of view of practical politics, what are the chief elements in the Premier's statement? He says unequivocally that the responsibility for the future government of India rests on the Legislatures, provincial and central. In the provinces the responsibility is full and unqualified. At the centre it is hedged with safeguards. Some of these safeguards are permanent, for instance, the safeguards demanded by the minority communities; and some of the safeguards are of a temporary nature such as the question of defence and securing financial stability. Sir, I know there are people who quarrel about these safeguards and reservations. The criticism mainly comes from two quarters. In the first place it is said that the proposals of the Prime

Minister do not fit in with the eleven points enunciated by Mahatma Gandhi. That is the first line of criticism with which we have to deal. There are some people who affect to think that, because Mahatma Gandhi has enumerated certain points as the minimum of his demands, therefore those points are to be regarded as sacrosanct. Notwithstanding my deep reverence for Mahatma Gandhi, I am compelled to say that I have little respect for these eleven points of his enunciation. Some of them are irrelevant and some are positively injurious to the best interest of the country. Sir, one of my friends says "never." That is a matter of argument and reason, it is not a question of *ipse dixit*. What is the first of Mahatma Gandhi's eleven points? It is that the ratio of exchange should be 1*s.* 4*d.* and not 1*s.* 6*d.* I can only ask, why? Why? Is the question so unambiguous, so free from difficulty, that it must be placed in the forefront of the Mahatma's irreducible demands? The 1*s.* 6*d.* ratio may not suit the purpose of the Bombay mill-owners, it may not satisfy the capitalists and speculators of Bombay and Calcutta; but it suits us, poor consumers, very well; it certainly serves the interests of the toiling millions of Bengal. Then his next point is that the land revenue must be reduced by half. I sometimes wonder if the Mahatma, in the course of his high philosophical cogitations, remembers that there is a province called Bengal. The Bengal zamindars, in the abundance of their generosity, pay a land revenue of 2½ crores out of the 16 crores which they fleece from their tenants. Am I to be told that this 2½ crores is to be reduced by another 50 per cent., leaving the Government bankrupt and the people as much harassed and oppressed as before? Sir, I need not go through all these eleven points in detail; but here are some of his sample demands, and it seems to me that criticism based upon such demands deserves but little consideration. Sir, in these latter days we are very much in the hands of arithmeticians. Some body says—I have got 11 points, and I shall not budge an inch from them. Some body else says—I have got 14 points, and I shall not budge either. Presently, some body else will come forward, and, adding 11 to 14, will say, "I have got 25 points and shall not budge an inch from even one of them." And so the thing may go on *ad infinitum* unless the combined reason and commonsense of the people will call a halt to them.

The second line of criticism is that advanced by people who say that, as there are so many safeguards and reservations, how is it possible to work the constitution? People raising these objections, I am afraid, do not know much about the constitution of other countries. There must be safeguards and reservations everywhere. They are not unknown even in England: but how few are the occasions when they are called into use? The King of England—I would beg the Council's pardon for reminding it of the fact—has still got the power of vetoing

legislation. But on how many occasions during the last 150 years has the King ventured to exercise this reserve of power that he undoubtedly possesses? The King still has got power to declare war or conclude peace. But, during the last 150 years, has he ever ventured to exercise that power? He does not, he will not, he cannot, venture to do so, because public opinion would not be behind him. Sir, this public opinion must be the ultimate sanction of all Governments. And here also the Governor-Generals of the future will not venture to exercise their power if public opinion is not behind them. What have we actually seen within the last few years? Without any force of arms or of governmental authority at our back, simply with the force of public opinion behind us, we have succeeded in squeezing out some sort of a constitution from the British Government. And, in future, with a very considerable share of governmental authority in our hands and with strong public opinion behind us, shall we not be able to wrest more and more power till this country becomes free like any other of the free dominions in the world?

[Here the member having reached his time-limit, resumed his seat.]

Mr. NARENDRA KUMAR BASU: Sir, I am sorry I shall have to strike a jarring note to the observations which have been made on the Premier's declaration by the speakers who preceded me. Speaking for myself I do not and cannot support any of the resolutions that have been moved either by Mr. S. M. Bose or Mr. Gupta or Mr. P. N. Guha. My reasons for not supporting these resolutions are simple. Firstly, whatever might be said about the Englishman in his transactions with his own countrymen, it may be true that the Englishman's———

A VOICE: No, Britisher, not Englishman.

Mr. NARENDRA KUMAR BASU: All right, the Britisher's, but I was taught in school that the phrase used was "The Englishman's word is his bond." I am willing to accept that the Scotsman's word is also his bond. It may be true that in dealing with his own countrymen the Britisher's word is his bond, but so far as people outside his own country are concerned, I would ask the House to remember the definition of a "diplomat." A diplomat is one who is sent abroad to lie for his country. That is the value of a British statesman's or diplomat's word outside his own country. When we come east of Suez we all know that any statements made by any British politician regarding Indians, are really used only for the benefit of the Indian ear. We have been told, it has been said that there is a certain place which is paved with good intentions. I must say that India, the whole of India, is paved with sanctimonious sentiments and pious platitudes of British statesmen. It is for this reason that I cannot accept with a paean of joy the statement made by the Prime Minister.

Secondly, so far as the declaration is concerned I would ask the House to remember that under section 84A of the Government of India Act the Parliament appointed a committee of inquiry, the Simon Committee, and I take it that the Parliament asked that Committee to inquire into the affairs of British India, but by introducing the magic word "Federation" and by bringing in the Indian States, the representatives of Parliament at the Round Table Conference may have excited the applause of the Indian members of the Conference, but speaking for myself I think that by introducing the word "Federation" they have manœuvred to put back any reform which might have come otherwise, by a number of years. As a matter of fact it will not be till the last Indian State voluntarily consents to come into the federation that the so-called constitution will be worked and as one can imagine, except our so-called representatives at the Round Table Conference, everyone else can imagine, that that would take a very, very long time indeed.

My third objection to these resolutions is this. Whatever the Premier or the British Parliament might say, after all the changes in the administration of this country shall have to be effected through the officers of Government in this country, and in spite of what the Secretary of State or the Prime Minister or the Viceroy may say, the members of the bureaucracy will certainly see that the path is not made smooth for the fulfilment of any pledges made by Parliament. Why, Sir, barely a week after the Premier's declaration at the Round Table Conference, we were having wanton attacks upon the Mayor of Calcutta whose head was broken and on many of his followers. That is the spirit in which Britishers, who have left their own country for their country's good, have come here into this country, to administer this country; that is the way, that is the spirit in which they respond to the call of the Prime Minister and the Viceroy. I know that a faithful henchman of theirs in another place, the Assembly, has testified, out of his own knowledge he said, that there were three lakhs of people at the beck and call of the Mayor of Calcutta ready to march upon Calcutta that day. Well, I may say that that is a fable. It may be a gramophonic record of what his masters wanted him to say, but it is far from the truth. Can the Government members cite any instances of any policemen or anybody else having been hurt on account of the procession that day? Can it be denied that the Mayor's head was broken in two places? I say that that is the spirit in which the men on the spot, the Home Member and his myrmidons translate the promises made by the Premier or made in New Delhi by the Viceroy. We all know the old Bengali story of that old lady who was set at liberty by the District Magistrate and said "you try and be the Daroga." To her the Daroga was the visible representation of the British Government. It is these Government

members who are the manifestations of the British Government to us, and have got to judge the value of the statements and declarations made by British statesmen from the conduct of these men, and I say the conduct of these men gives us no reason to believe in these statements. I, therefore, say that there is no reason for us to sing hallelujahs and to go into ecstasies over the declaration made by the Prime Minister.

Mr. PRESIDENT: Order, Order. I may tell the House at this stage that we have to conclude this debate at half past five this evening. I find there are many anxious to speak, and I would therefore request the members to cut short their speeches as much as possible.

Maulvi ABDUL KARIM: The movers of the three resolutions have done well to avail themselves of the earliest opportunity to get the opinion of this House expressed regarding the constitutional changes proposed at the Round Table Conference. The momentous declaration made by the British Premier on the 19th January, 1931, should dispel all doubts that might have arisen regarding the irrevocability of the solemnly pledged policy of the Preamble of 1917 and the Act of 1919. There can no longer be any misgiving as to the British policy in India being definitely committed to the progressive realisation of responsible Government, Swaraj being its ultimate goal. It augurs well both for India and the British Empire that the responsible leaders of different political parties in England have shown far-sighted wisdom and broad-minded statesmanship in definitely recognising India's right to govern herself, which was prophetically anticipated by Macaulay as an inevitable consequence of English education. His observations quoted by His Excellency yesterday are worth repeating. He said, "having been instructed in European knowledge they may in some future age demand European institutions. Whether such a day will ever come I know not. But never will I attempt to avert or retard it. Whenever it comes it will be the proudest day in English history. To have so ruled them as to have made them desirous and capable of all the privileges of citizens would indeed be a title to glory all our own." It is hoped that the short-sighted descendants of Macaulay, the Churchills, Sydenhams and other die-hard reactionaries of their type, will not succeed in retarding that happy day by denying to a people, numbering one-fifth of the inhabitants of the globe, a voice in the administration of their own country; thus creating in the words of Sir William Hunter, "an Indian Ireland multiplied fifty folds." Those who are under an impression that it is only the intelligentsia, the educated few, who have attained political consciousness and have been agitating for India's freedom for their own ends, know little of what is actually going on in the country. Unmistakeable signs are not wanting that even the uneducated masses, who hardly realise the full significance of Swaraj, have been greatly stirred by its inherent call.

In fact it is nothing unnatural or unreasonable that in an age when self-rule and self-determination are the prevailing ideals all the world over, when even a semi-civilised race like the Philipinos, having behind them hardly any history and traditions worth the name, have been clamouring for self-government as a result of western tutelage, the descendants of too highly civilised races, whose religion, philosophy, literature and jurisprudence extorted the unstinted admiration of the world, should desire for effective participation in the administration of their motherland. Our grateful thanks are due to Lord Irwin and Mr. Ramsay MacDonald for the genuine sympathy they have displayed with Indian aspirations.

It was a wise move on the part of the Labour Government to hold the Round Table Conference. It would have been most unwise if the British nation had arrogated to itself the sole right of determining the future constitution of a great country without admitting the representatives of its various races and interests in formulating the same. Although unfortunately the best organised political party in the country did not participate in the deliberations of the Conference, there is no doubt that a good deal of useful work has been done. The acceptance of the demand for provincial autonomy and responsible Central Government has created a favourable impression regarding the genuineness of British move. The Indian Princes have acted wisely in desiring to shoulder some responsibility in respect of the administration of India. I, however, think too much importance has been attached to federation. I doubt if a solid and genuine all-India Federation can be brought about in the immediate future. In order to avoid complications perhaps it would be well to begin with the federation of the British Indian provinces with responsibility at the centre, leaving the door open for the States to join the federation later.

The sooner a constitution which meets popular demands is framed the better it will be for all concerned. The Secretary of State for India very rightly stressed the urgent necessity of speed. I wish the Round Table Conference had been held before the lamentable happenings at Chauri Chaura. The country would then have been spared many a terrible suffering and sacrifice and the administration many an embarrassing trouble. I shudder to think what will happen if the present chaotic state of things continues long.

In drawing a new constitution it has to be borne in mind that the country has been crying itself hoarse for some time for Dominion Status, and impatience has driven some people to the ideal of complete independence. The vesting of effective control of affairs in the hands of the people's representatives is the universal and insistent demand of India, and no section of the Indian public can be expected to get reconciled to any form of constitution that falls short in this respect. The diarchical form of Government, hedged in as it is by enormous

restrictions and reservations, has proved unsatisfactory and unsuitable for the growth of a sense of responsibility. The transfer of this hybrid system from the provinces to the centre will not achieve the end in view, unless drastically modified in the light of past experience. The necessity of some safeguards for the transitional period cannot be denied; but it should be seen that it is not made a plea for non-transference of effective power to the representatives of the people.

Indian opinion is unanimous that so far as the provinces are concerned, complete responsibility should be vested in the people and provincial administration should be carried on with the least interference from any quarter. The inclusion of an official Minister in the cabinet would be diametrically opposed to all principles of democratic government. It would be in fact perpetuation of the same much abused diarchical system under the camouflage of a different name. Too much reserve power given to the provincial rulers would be another impediment to the growth of democracy and a right sense of responsibility. Not that the necessity of some reserve power is not admitted, but extensive powers of this kind concentrated in the hands of the Governor would frustrate the very object of developing democratic constitution. A Second Chamber in the provinces would be another unnecessary brake in provincial autonomy. Having been for some time a member of the Second Chamber at the centre, I know what its drawbacks are. If the Provincial Cabinet had not been dominated by landlords, I think the proposal for a Second Chamber would not have found a place among the recommendations of the Bengal Government. The public cannot countenance such a proposal.

It would be a matter of extreme regret, nay of great shame, if communal differences stand in the way of India's attaining self-government. The Hindus and Muslims, I need hardly say, would incur the condemnation of the whole world if they fail to settle their differences even when the freedom of their motherland is at stake. At this critical juncture in the history of the country communal discord and dissension would be nothing short of political suicide. The economic and political regeneration of India cannot be achieved unless the two great communities inhabiting her, heartily co-operate and unitedly fight for the common cause, actuated by mutual love and trust and free from hatred and suspicion. All schemes of reform and progress would be stultified and India's bondage would be perpetuated unless there is unity and solidarity among the Hindus and Muslims. Those who would direct their best efforts to the promotion of inter-communal harmony and good-will would be rightly regarded as great benefactors of their country. This is not the proper place for a dispassionate discussion of a controversial matter. Heart-to-heart talk in a calm atmosphere is necessary for its solution. My views with regard to some of the outstanding communal questions are perhaps too well

known to need repetition. I do not think the difficulties in our way are insurmountable. If, however, these cannot be satisfactorily settled, it would be futile to strive for the attainment of our goal. For our incapacity and worthlessness would then be proved beyond doubt. Would it be too much to expect that the leading members of both the communities would betimes direct their earnest efforts to the solution of this all-important question?

As regards the two amendments, perhaps this is not the proper occasion to press them. But I must say that unless a calm atmosphere is ensured by taking steps necessary for the purpose and unless the acquiescence of the different communities to the proposed changes in the constitution is secured it would not be possible to bring the constitution into satisfactory operations even if one is framed. I think it is understood that the interests of the Muslims, the depressed classes and others would be adequately safeguarded. But in the existing circumstances there is reason for anxiety to get the necessary safeguards clearly defined and embodied in the constitution. Nothing is more calculated to solidify Indian opinion in favour of the future constitution than to give its shape that would dispel all suspicion of ushering in a class rule. Everything possible should be done to reassure all classes of Indian people that their legitimate claims for sharing in the administration of the country would not be denied. This would create the necessary enthusiasm that alone would ensure the successful working of the constitution.

4-30 p.m.

Maharaja JACADISH NATH RAY, of Dinajpur: Mr. President, Sir, I should deem it a privilege to be associated with a motion placed before the Council by my hon'ble friend, Mr. Bose, not merely because of its felicitous nature but on account of the fact that it relates to an occasion which, in the words of the Right Hon'ble the Secretary of State for India, "marks an epoch in the history" of my country. Things have not of course shaped themselves as yet, but signs are not wanting that a genuine desire has taken hold of at least an influential part of our governing race that justice should be done to the cause of the national movement with "speed and sincerity." It is no mean gain on our part as well as those of our rulers that almost all the distinguished representatives that went to the historic Round Table Conference under most adverse circumstances and amidst the hisses of our countrymen are returning like proud victors with heads erect and breasts full of confidence. And I can never think that the country would have allowed the event of their return without any demonstration, without a single black flag, if the noble pronouncement of the good Premier and the attitude of the gallant band of his associates had not had their effect even on the youth of India, they have really set

them a-thinking, if not anything more. No; no human being can remain stubbornly indifferent to the echoes of the masterly appeal that the Right Hon'ble Mr. Benn voiced forth in the House of Commons on the 26th of January, it was not a speech deliberately couched in sugared accents for our consumption; its directness and ring of sincerity have touched one and all who have gone through it in the papers even cursorily. I have heard critics who are disposed to style the entire Parliamentary debate as a masquerade; but no, Mr. President, such remarks must not come out of the lips of serious thinking men that will only exhibit the perverse nature borne within us. Doubting Thomases there will be at all times and in all countries. When I express my appreciation of the results of the Conference, I am confident I speak out what is in the mind of the entire people, at least in my constituency, barring, of course, those few who are awaiting the lead from a different quarter.

Sir, this is not the place for a threadbare discussion of all the questions involved in the declaration of the Prime Minister. And as the details have still to be filled in, on which will depend much of the architectural work; as the resolution carried at the Conference speaks of the reports of the nine sub-committees as entirely provisional, we can forsooth take the momentous announcement only as a main ground-plan with indications of points of detail. The three main planks that have been obtained are: (1) an All-India Federation, (2) introduction of responsible Government in the provinces, and (3) safeguards. It will now require the grim earnestness of the people, the sober judgment of their leaders and the single-minded devotion of the rulers to build up the proposed structure. It ought not to be our policy at this moment to talk of broken pledges or to single out an individual, from amongst the Conservatives or Liberals, with die-hard intentions, and cloud our own minds with doubt and suspicion. If India may march with "seven league boots," I do not know why we should think that England will remain stationary in spite of the grave warnings of her ruling statesmen. Through the immense courtesy of these well-meaning people we got before us the reports of talks in their own House. Almost all the big ones among them appeared to be bent on shaping the policy in consonance with actual facts and on uniting in an effort to bind India to England by bonds of confidence. "The reasonable hand" of Mr. Ramsay MacDonald and "the kind hand of Mr. Baldwin," as portrayed by Sir Godfrey Collins, will, it may now be confidently expected, be able to guide the House to the declared end. Even the leader of the great Conservative Party has realised that no solution of the question of Indian Government will be found unless and until "the complete co-operation, understanding and good-will" between Indians and Britishers are obtained. As realists, we have however to remember always that the "two centuries of effort and

achievement" on the part of Britain must have some abiding effect on the fortunes of India. The most remarkable change to be noticed therefore in the attitude of our rulers is that the familiar argument of the interests of "mute millions" is being denounced to-day and that the two essential principles of "local knowledge" and "the support of public opinion" are being recognized openly in authoritative quarters. And the conviction that there is not the chance of a great land-slide in future lies in the fact that all the three parties in the House of Commons have given their moral support to the policy adumbrated by the Labour Prime Minister. It is true that even in carrying into effect the three aspects of the "triangular" agreement there will arise tremendous difficulties, but our greatest concern, as the members of a provincial Council, will be somewhat limited to a part of the wide financial question, the perplexing problem of communal settlement and, above all, the immediate degree of responsibility that our Legislature may have in juxtaposition to the over-riding powers of the Governor as well as the matter and manner of representation of different interests. I am not going to-day into any of these questions but have only to impress upon the Government Members that they must, in conformity with the declared intentions of the Home Authorities as well as the retiring Viceroy, take the non-official members of this House into full confidence and act hand-in-hand with the best of them when the next step towards the construction of the edifice is taken. Two of our good friends on this side of the House were honoured with the invitation to represent Bengal at the last Conference and they were indeed both capable men possessing balanced judgment; but, what I think my duty to ask in this connection is: Who was there to represent the landholding interest? The landholders cried hoarse at the time for a suitable man, but it is really a grievance with them that adequate heed was not paid to their reasonable appeal. I say and say it deliberately that let the mistake be not repeated once again in appointing any consultative or deliberative body whether for the questions affecting the Province of Bengal or the whole of India in general.

I am not yet sure if "the sons and daughters of India will unite in bringing into existence an atmosphere of peace and good-will" as desired by the returning delegates; I do not know if the generous gesture of the Government in releasing the fattest of the political prisoners will be appreciated in its true light or taken advantage of to return to a normal position; and I cannot also say how long it will still take us to see the "fullness of time" for our country to be in equal partnership with the Dominions; but I can well realize that the Indian Constitution will be broadened a great deal more this time than it has been done since the first precedent of 1861. I hail with delight the efforts made by the Right Hon'ble the Secretary of State in drawing a line of demarcation between "National movement" and the other

dangerous movement with its ruinous possibilities which have already told heavily on the country. I trust the authorities here will ever keep in mind this broad or fine distinction in dealing with the people in their charge, and my countrymen and country-women will be quick enough to draw a moral from the same. The abberations that are complained of very often happen inevitably from a confusion of ideas made by the unintelligent and the overzealous on either side. While on this point, it is my duty to openly avow that our sincerest thanks are due to the Princes who declared in an unfaltering voice that they would not care to federate if responsibility were not granted at the centre, as also to the British-owned newspapers in India that have truly represented about the national awakening in India, among which the name of one of our own province was so prominently mentioned in the Parliament.

With these words, Sir, I support the motion of my hon'ble friend.

4-45 p.m.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: Sir, I cannot allow this opportunity to slip past without expressing clearly my views and the views of my fellow landholders of Bengal. I can say without any fear of contradiction that the historic declaration of the Premier has been generally appreciated by all classes of people. I am surprised to find that it is not appreciated by my friend Mr. Bose, but he seems to be an exception. I do not say that it has been appreciated by one and all, but I say that it has been generally appreciated by all classes of people, whether extremists or moderates, Hindus or Muhammadans. The effect of this historical announcement and the action of His Excellency the Viceroy in releasing unconditionally some of the leaders of the country headed by the Mahatma has been very great. But, Sir, I am told that there is some doubt in some quarters that this declaration is merely a declaration on paper. But this distrust, this suspicion, should be removed, as has been suggested by Mr. Prentice and I trust that good-will will be restored in that case. Without good-will, I think, it will not be possible to achieve the end.

Sir, it is needless to say how very difficult it would be to carry out the policy enunciated by the Premier in the face of the agitation and opposition set up by some men who do not like that India should get her legitimate aspirations fulfilled, viz., full Swaraj or Dominion Status. As a matter of fact, we find that the Prime Minister has had to face opposition already, and I hope that he will be bold enough to bear the opposition and to see that his policy is carried out without further delay. Sir, although policies may be enunciated by higher authorities, in practice we find that executive orders are delayed in giving effect to them. As a matter of fact, we

have come across several instances where Government were late in taking action with the result that the good effect and charm of their policy were all lost. I hope, Sir, that there will not be any delay and that the chances of a settlement will not be lost. Sir, I am glad to see that His Excellency the Viceroy has realised that unless there is calm atmosphere, this most vital question cannot be considered satisfactorily. With this end in view he has released Mahatma Gandhi and other leaders of the country in order to enable them to take part in the deliberations for the introduction of the new reforms. But, Sir, from our practical knowledge we find that without the release of other political prisoners, except those who have been convicted of actual violence, it will not be possible to achieve our purpose. Repressive laws should also be kept in abeyance for the time being. I quite sympathise with what the Hon'ble Mr. Prentice said, viz., that there must be co-operation. I fully agree with him that unless we have co-operation with all it will not be possible to achieve our end. But I am rather surprised to hear from him that it will not be possible to release all political prisoners unless the Government receive co-operation from the other side. His Excellency the Viceroy was at first agreeable to release all on condition that the Civil Disobedience Movement would be called off but he has since realised otherwise and has ordered the release of some of the leaders of the country without any undertaking. But the same old conditions reiterated by the Hon'ble Member here do not improve the situation as they are not in keeping with the spirit of His Excellency the Viceroy's later decision. Sir, in this connection I would draw the attention of the Government of Bengal and especially of His Excellency Sir Stanley Jackson to one vitally important matter. It is this, that though the Viceroy, the Government of India, or the Premier, may be anxious to have a settlement, their policy is hindered and obstructed by the officials—even the subordinate officials—of the Government here.

[Here the member having reached his time-limit resumed his seat.]

Mr. H. S. SUHRAWARDY: I doubt very much that these resolutions, in whatever shape they may be carried, can have any effect whatsoever on the political situation. To put it bluntly, Mr. Ramsay MacDonald cares little for the co-operation of the Liberals, the Moderates, the Minorities or the Depressed Classes; he has made a bold bid for the co-operation of Mr. Gandhi; and he is waiting to see what reaction his offer has on Mr. Gandhi. You may be dissatisfied with his offer: he cares a rap for your feelings; if Mr. Gandhi is dissatisfied with it, then it will hurt him to the quick. And is it his fault? Have the Liberals, the Moderates, the Minorities or the Depressed Classes, done anything whatsoever to stem the tide of civil disobedience against which they profess to stand? Are you not yourself being

swept off your feet, and do you not yourself occasionally put your tongue in your cheek and say that this is the only practical way? And so your views and our views make little or no difference to the political situation—unless you have no independent views and fall in line with that of Mahatma Gandhi—of which the amendment of Dr. Sen Gupta is an optimistic anticipation. Now the Prime Minister has gone much further than any British statesman. I almost think that carried away by the gust of a generous enthusiasm he has made declarations that have taken the British public by surprise—so much so that there is a reaction visible in the Conservative camp in spite of an equally generous and surprising statement from Mr. Baldwin. No person, who is a seeker after truth, can doubt the sincerity of the Premier—it is writ large in every utterance—in the very attitude of the British statesmen towards the Indians—and over and above this—over and above the facts which speak for themselves—we have the testimony of our own countrymen who have returned from the Round Table Conference and whom you have no business to doubt. But if your mind is warped by your passions, if you fail to see the sun through the fog of suspicion and distrust, if you close your eyes and your heart at the instance of those whose support you cannot afford to alienate, if you wish to play to your gallery, then nothing on earth, except the immediate and the fullest realisation of your desires, will carry conviction. Can any one deny that when the Round Table Conference met there were grave suspicions in the mind of every one as to whether it would achieve anything? The civil disobedience gentlemen suggested that it would be a failure—and do you not think that you are paying too great a compliment to their political integrity if you hope to hear from them that it has achieved something? The others had grave suspicions although political common sense could have taught us that the British Government would see that it does not stultify itself by producing nothing after all the measures taken to push it through. Am I disclosing any secrets of the Indian mind if I say that responsibility in the centre, though ardently desired, was believed by us to be an unattainable ambition, to be achieved after considerably more sacrifices? Can any one truthfully and honestly say that the principles accepted by the Prime Minister are not an advance on whatever had been conceded hitherto? There have been constructive suggestions put forward, and the goal, and the ambition of India, has been defined. If the Conference has not been able to achieve more, has it not been because we ourselves have been unable to agree? And ever and ever, will you turn round, in order to hide your sins, your sins of cleavage amongst the peoples, and blame the Prime Minister that there has been no change of heart? If you are honest and truthful, if your action and speeches are not meant as political manœuvres, then face the situation boldly, and do not attempt to side-track the issue by talking of repression, and withdrawal of measures and release of prisoners. Who is there who

does not wish that these prisoners may be released if it will ease the situation? Who is there who wants to keep the Ordinances and the repressive measures for one day longer if there is any chance of a settlement? But have you shown any wish to settle? Have you not deliberately refused to exercise your abnormally acute political intelligence unless the atmosphere is made less tense; and at the same time do you not say that you will keep up the conflict until the final settlement? Have you in the course of your whole experience come across a situation when in the name of a settlement you expect the opposite side to supply you with arms and ammunitions to carry on the fight? You say on the one hand you will carry on with your programme of civil disobedience; for which you need those thousands of young men who have been carrying it on, and for whom that portion of the jail reserved for A class political prisoners has no terrors; you say on the other that in order that you may deliberate in a calm atmosphere these young men must be liberated possibly against their will—and let loose again to make the atmosphere tense—and obviously not incarcerated any more as long as you choose to deliberate. Was there ever a more one-sided and deliberately mischievous propaganda? And yet the whole thing sounds so nice that every one jumps at it. To-day I feel sure the British Government would liberate all those happy and willing guests of His Majesty the King, who are such a burden on the Exchequer in these hard times, if it will ease the situation and not make it worse, if the civil disobedience movement is called off and these young men are not utilised to make the situation worse. Indeed I have always felt that the situation will not be faced boldly and truthfully—but will be side-tracked by some such political manœuvre. You will pick upon the acts of some person somewhere, and hold the British Government responsible for it—and by clouding the issue refuse to undertake your responsibilities? And what are those responsibilities? Can you ever get self-government if you do not keep your own house in order? You are blind if you think that once there is a *fait accompli* it will be accepted by all. The Britisher may accept it if his Government so wills it—but I wish to assure you that the Mussalman, supine though he is, used as he is to accept the situation forced on him without demur, within your clutches though he may be, economically, socially and politically, will not accept a position in which his rights as a community have not been safeguarded. The Prime Minister and Mr. Gandhi may arrange amongst themselves; you may use the British force and the Indian army to compel the Mussalman to accept the new Indian constitution in which you are all in all; but do not believe for a moment that you will be able to subdue us, and that you will be able to have a measure of self-government without Muslim co-operation. The Hindus and the Muslims must come to terms amongst themselves; otherwise your Dominion status is a sham. I declare that the half-hearted declaration of the Prime Minister—the five-letter declaration—

that the rights of minorities will be safeguarded—has not satisfied us. We expected a fuller statement. We feel that he has succumbed to the tall talk of unanimity on the general administration and the general question of responsibility, and not realised that one without the other is unacceptable. The only thing which can justify you in ignoring the question is that the mutual distrust and suspicion between the two communities has no foundation in fact and is fostered by the Britisher. It cannot be denied that it may be in the interest of Mr. Churchill and the like to foster it; but there can be no doubt that the suspicion and distrust is too real and genuine to need the intervention of a third party.

[Here the member having reached his time-limit, resumed his seat.]

5 p.m.

Rai Bahadur KESHAB CHANDRA BANERJI: Mr. President, Sir, after the most exhilarating and soul-stirring speech made by Mr. Jitendralal Bannerjee, it may be presumptuous on my part to speak on this question, but considering the momentous issues involved, I desire to say only a few words and shall try to be as brief as possible. We have after all had a lengthy, albeit interesting, debate on the question before the House. The movers of the motions have given us an outline of what should be our attitude towards the Prime Minister's declaration. The party leaders have also spoken. The Hon'ble Mr. Prentice has presented to us the Government point of view. Mr. Jitendralal Bannerjee has spoken in his usual way and has not spared even Mahatma Gandhi, the high priest of Indian nationalism, in regard to his eleven points; he has also characterised the Premier's statement as sincere. I think that is also the opinion shared by the majority of the members of this House.

The motions before us are very modest ones; they recognise the satisfactory nature of the Premier's declaration and offer the co-operation of the House in the working out of the details of the scheme outlined by the Premier. This is an attitude for which none should have any complaint. Those of us who have closely studied the statement made by Mr. Ramsay MacDonald on behalf of His Majesty's Government must have found three broad principles therein, viz., reconstruction of the Indian Constitution on a federal basis, full responsibility in the provinces and the principle of responsibility in the centre and protection of the interests of minorities. Recognition of these principles brings the substance of freedom and the working out of the constitution based on them will bring about the consummation of the ideals of Nationalist India. Sir, recognition has come from the Premier and the will to work out the constitution should emanate from us, from the Nationalists of India and from the people at large. Without revealing the mystery of the cupboard of the constitutional

law, I may tell you, Sir, that safeguards mean nothing serious where the principle of responsibility stands recognised and if the safeguards can conspire to defeat the objective of responsible government, then the responsible government becomes a sham. Sir, we have it on the authority of the Premier that nothing would be done to prejudice the principle of self-government to which the British Nation stands pledged. The Premier himself has said that safeguard is an ugly word; but it is necessary on the part of the representative of the Crown to maintain law and order in the event of a constitutional breakdown; it is necessary to maintain the stability and prestige of the Indian market; it is necessary for the protection of minority interests. The students of constitutional history know that all these safeguards are beneficial in the interest not of the ruler but of the ruled. They furthermore know that in the working of the constitution it is mutual confidence that becomes the greatest asset of a nation; it is honest difference that energises but leads to no disruption. The people forget safeguards or the safeguards forget the people; the safeguards melt away into the background occasionally brought forward by research students in constitutional history. We need not be frightened by them; we should welcome the broad principles of the Premier's statement which unequivocally gives us what we are fighting for. The Nehru Report gave us the same principles. The Premier's statement embodying the bare outline on which the constitutional structure will be built is far in advance of the Simon Report, the Government of India's despatch and the Central Committee's Report.

Sir, it appears that there is, outside this House, an element of pessimism which stands in the way of assessing the Premier's statement at its true worth; there has been an abnormal horror for the clause "safeguards," there has been twisting of the Premier's sincerity as diplomacy; there has been studied attempt to misinterpret the declaration which is supported by all parties in Great Britain. Sir, to study a thing properly, we must disabuse our minds of all prejudices. The Premier's statement breathes an air of sincerity; there is no shilly-shallying; the principle of self-government stands recognised in clear terms. There might be grievances about the details; but what was the good of apprehending things? The very fact of "apprehension" shows that the atmosphere of confidence has not pervaded through the whole region. It is confidence that creates, it is enmity that destroys; it is hope that builds—it is despair that wrecks; it is friendliness that brings joy, it is hostility that adds to one's miseries. Sir, frank gesture has come and frank response should go. There are moments which once missed never come, and there are moments which once missed would recoil on you with vengeance. If we reject the offer, suspicion and distrust will blacken the subsequent events. Sir, I address this appeal from the floor of this House that let not any interest except the interest of the country cloud our judgment.

I appeal to my Hindu and Moslem brethren not to complicate issues by bringing in questions which concern a particular community or a particular class of people. Let us welcome what has been foreshadowed in the Premier's declaration and demand more which will lead us to the promised land. The Premier's statement announces the dawn of mutual confidence and trust and none should wreck it——

[Here the member having reached his time-limit, resumed his seat.]

Khan Bahadur Maulvi AZIZUL HAQUE: Sir, I do not wish to take up much time of the Council. I associate myself whole-heartedly in the welcome that has been offered from different sections of the House for the historic pronouncement of the Premier. It is in the fitness of things that we in entering this Chamber should have an opportunity of welcoming the Premier's pronouncement. No less it is important that we may have an opportunity to offer our full and detailed views in reference to the pronouncement. If the Prime Minister's pronouncement has been made historic, the discussions on the floor of the House have clarified the position further and the amount of distrust and suspicion that was raging round this question has also been cleared up to a great extent. I was one of the 23 members of the Moslem League who negotiated in the all-parties' convention. Even there I did not hear such a broadminded and statesmanlike utterance as I heard to-day from Mr. J. N. Basu, and I congratulate him on behalf of myself and on behalf of this section of the House. If the whole Hindu-Muhammadan question is really approached from that standpoint and not from any narrow standpoint, I believe a real solution of the difficult situation will be arrived at. At the same time I must say that this discussion has given us valuable aid in approaching the whole problem, viz., the different angles in which the Premier's announcement can be approached, so that we can prepare our future constructive programme. I would only conclude by saying that in any future constitution that can be made one fact should be remembered and that is—whatever may be the nature of the constitution the real constitution is in ourselves, entirely in our hands. (Hear, hear.) Other Governments, other people, might render us a little aid, a little help, a little encouragement, but that does not go much deep. What matters is that the solution lies entirely with us. If the Hindu-Muhammadan question can be solved by us and public opinion can be raised to a level that it should be possible to remove the spirit of suspicion and distrust from future politics, I believe it is then that the real constitution of India will be laid.

Seth HUNUMAN PROSAD PODDAR: Sir, in pronouncing the Round Table Conference a success and the Premier's declaration of policy on behalf of the British Government worthy of appreciation, we shall fail to do full justice to the august leaders of British political

parties, if we do not recognise the fact that the present offer, as it is euphemistically called, is not the outcome of the quality of mercy which is not strained. On the contrary, what constitutes its chief merit is that it has not dropped like gentle rain from heaven upon the place beneath. That is the chief distinction, to all observant critics, between the present offer and its predecessors. That is its lack of condescension and that fact is writ large on all the speeches of Mr. Ramsay MacDonald and specially those of Mr. W. Benn, in connection with the Round Table Conference. The Britisher, Sir, has never been a victim of sentiment, even the much-vaunted abolition of the slave-trade, if John Morley is to be believed, having been motived by the economic consideration that free labour was cheaper than slave-labour, Clarksons and Wilberforces notwithstanding. So this decision to transfer the responsibility of governing India from a back-house of Westminster to the people of India, however crude and nebulous at the centre for the present, must have been taken at the dictate of a similar consideration that India free would be more helpful than India dependent. With Rudyard Kipling leading an absolutely cloistered life and affecting the ways of Mahatma Gandhi, the whiteman is getting quite sick of the burden, which with its old innocence and imponderability gone, seems to have no longer any fascination for him. Though Lloyd Georges may still harp on the old daughter of trusteeship and Churchilites may still swear by the tiger qualities of the Briton, a distinct change seems to have come over the dream of the hard-headed businessman who counts and who rises every fine morning to discover a widening hole in his pocket. There, Sir, lie the *bona fides* of this offer, its guarantee against remaining a pious wish on paper. We welcome the offer, we appreciate it, in spite of the unnumbered safeguards and special powers for which even the Prime Minister had his ill-concealed abhorrence. Any way, the vision of a free and united India is officially there. A liberated and federated India! How it edifies? How it strengthens, even if just emerging out of dreamland and awaiting complete materialisation! Sir, it at once changes the whole tone of the atmosphere. Bold indeed would be the Viceroy, who under the present-time spirit and surrounded by the pick of a greater India, from the palace to the cottage, will dare to lay his hand on the scabbard of reserved powers in season and out of season to render responsibility nugatory. I am emboldened to hope that even in this Chamber with a sense of responsibility, the Home Member, to whatever race he might belong, would be found to be exorcised of his bugbear of every bit of national flag and every knot of peaceful college young men. He would cease to discover a tiger in every bush and storm-centre in every small innocent phenomenon. And all this because India is out to earn what she desires. The Prime Minister's declaration may be compared to the mirror of a semi-historical legend. When most of the Gree village-states become independent, only one

small village could not throw off its yoke of subjection. A boy inhabitant of the village went almost mad under the great humiliation. He felt it shocking that while all the surrounding villages were breathing the air of freedom, his own native village alone ate the bread of subjection. He ran from post to pillar and pillar to post to raise him a saviour of his native place. At last a veteran of the place who lived up in the hills and daily watched the earnestness and intense will-to-freedom of the boy, descried in him the future saviour of the place. He then came down to the boy and gave him the following advice: "Pray for seven days in yon temple and then on the eighth seek for the man whose likeness I am now giving you. If you continue this for six months, your saviour is sure to appear at the end of the time." The boy did as he was told, but in all his weekly searches he could not even trace the ghost of the man who, according to his old adviser, was to appear amongst them to free their village. The boy was getting despondent. The old man came to him for the last time and when rated for his false promises he took his mirror from his pocket and held it before the boy's face, to make him feel that the saviour was going to be no other than the boy himself. Mr. Ramsay MacDonald, the man of affairs that he is, the deep student of history that he really happens to be, the old acquaintance of India since the partition days, could not but discover in the present-day-young-India, with its earnestness and will-to-freedom, the certain saviour of the country. And his declaration means nothing more or less than this. In it he has repeatedly and emphatically said that in the framing and exercise of special powers care will be taken to see that progress to real responsibility is not in any way imperilled. It may be said that profession is not practice. But what are we for, if we cannot compel practice? No declaration or constitution will help us, unless we develop the necessary manhood. Here also the Prime Minister has been quite frank. He has told us in so many words that his declaration will remain a mere declaration unless there is organization, strength of will and successful leadership to have it translated into action. The British statesmen have done what they could do and the balance remains with us. One word more about the sincerity of the policy as it strikes me, and I have done. There is one acid test of the whole Round Table business. It is no use concealing the fact that all this talk of responsibility is sound and fury signifying nothing so long as India is not made to defend herself and the sincerity of the policy which is being enunciated will depend upon how soon we are going to take up under it our own defence in our own hands. Of course, there is bound to be a transitional period and during this period we cannot hope to be ourselves in every respect having regard to our past history of two hundred years——

[Here the member having reached his time-limit resumed his seat.]

5-15 p.m.

Mr. R. MAITI: Sir, by the resolution of Mr. S. M. Bose we have been asked to give our opinion whether we are prepared to place on record our appreciation of the declaration of policy made by the Premier on the 19th January last at the Round Table Conference, which is likely to satisfy the Indian aspirations, and whether we are willing to co-operate in the working out of the details of the scheme outlined by the Premier. I must say that the Premier's declaration as a whole is no doubt a great advance upon the policy which has so long been pursued by the Government in this country. It sounds very well to talk of responsibility at the centre and autonomy in the provinces, but it is rather premature to say now whether this is likely to satisfy the Indian aspirations unless and until the whole scheme, as outlined by the Premier, has been fully examined in all its perspective by the people for whom it is made. Now the question is whether the Government of our country has offered opportunities to the people to consider it in a calm and peaceful atmosphere. After the declaration of the Premier, we thought there had been some change in the attitude of the Government, but when we look round and see the things for ourselves we become hopelessly pessimistic about it and cannot think for a moment that a calm atmosphere has at all been created for the consideration of the most important issue which is now before the country. Repression is still going on with all its fury and some of the ordinances are still at work contributing its heavy toll into the jail.

Well, Sir, many speakers have just now spoken of the police excesses and highhandedness of the executive officers in Calcutta and elsewhere. I may also be lacking in the discharge of my duties if I do not bring forward before this House the recent happenings in my district of Midnapore—not to speak of many other such excesses which happened some time ago and which are very well-known to the members of this House.

In my district, Sir, some 46 houses have been declared as the "notified places" under the Unlawful Association Ordinances, *i.e.*, the Ordinance No. IX of 1930 by the notifications in the *Calcutta Gazette*, and possession has been taken of those houses by the authorities with all the movables found therein after evicting the inmates including women and children from their respective houses. This is not all. After taking possession, the police has been posted to guard over the premises.

In some of these cases the notifications include gardens, tanks, granneries, family *thakurbaries* (*i.e.*, temples) and inner apartments where the respectable Hindu *purdahnasin* ladies live with their children. It is rather inconceivable that those places could ever be used for

purposes of unlawful associations; we do not know whether there has been any proper and independent inquiries made in these cases before they were declared as such and it would be really interesting to know whether the informations supplied to the authorities regarding those houses were actually based upon the personal knowledge of some responsible officers or derived from a source of some questionable character.

Now, Sir, the case of Babu Upendra Nath Maiti, President of the Midnapore Bar Association, is a typical instance of the overzealous executive *zoolum* displayed after the Premier's announcement made on the 19th January last. His two houses—one in his native village and another in the town of Midnapore where he practises—were declared as the notified places by the extraordinary issue of the *Calcutta Gazette*, dated the 27th January last, and the possession was taken of his town residence all on a sudden in the morning of the 28th January with all the movables, even before the said Gazette reached Midnapore. Again, the funniest part of it was that the Magistrate authorises in writing the officer who was deputed to take possession of the house, on the evening of the 27th January, when I am told the extraordinary issue of the *Calcutta Gazette* containing such notification was then being printed in Calcutta, though its arrival in Midnapore on the same day was altogether out of question. All his movables, including several almirahs containing the law books which are used for carrying on his professional business, were seized and sealed; his motor garage with the motor car was also locked up, in spite of his pointing out the fact to the said officer that this was not specified in the notification. However, he had to vacate his house forthwith at the bidding of the authorities with the females and the children and find a shelter elsewhere.

Many families have thus been driven away out of their houses and thrown destitute upon the world. Has the Government cared to know whether or not they have got any shelter for their ladies and children? No, never. Is it the intention of the Government to treat the people as foreigners in their own country, especially in their own homes which are usually considered to be their own castles? Does not the Government think that they thereby make themselves liable to be prosecuted under section 109, Criminal Procedure Code, for having no ostensible means of livelihood if they are found to have been loitering about without finding a shelter for themselves? I am sure that no civilised Government of any country could ever think of such a brutal and oppressive action to be taken against the people over whom they have been called upon to rule. If there was any such trouble in those houses, it could have been easily avoided by placing police guards in the premises, as is now being done after taking possession of the houses. This course of action would have served the purpose of the Government without having recourse to such drastic steps. By taking such steps

even after that memorable declaration, you are practically making the people exasperated. Can this lead to create an atmosphere in the country for calm and dispassionate consideration of the announcement made by the Premier? I am sure every one of us on the floor of this House will emphatically declare that it will not. If you are really anxious to bring about a peaceful atmosphere, do it with all earnestness and not in a half-hearted spirit so that we can see for ourselves whether we are in a position to co-operate in the working out of the details of the scheme outlined by the Premier. I must, therefore, urge that all political prisoners should be at once released; ordinances withdrawn forthwith; all repressive measures stopped immediately and over and above all, the ban on the houses declared unlawful removed at once restoring possession thereof to the respective owners. Then the people will be in a position to appreciate the practical demonstration of your change of heart and will try to approach the subject under consideration in a quite conciliatory manner.

[Here the member having reached his time-limit, resumed his seat.]

Mr. PRESIDENT: I must now close the debate.

Mr. S. M. BOSE: May I have your leave to withdraw my motion?

The motion of Mr. S. M. Bose was then, by leave of the Council, withdrawn.

The amendment to the motion of Mr. S. M. Bose standing in the name of Dr. Naresh Chandra Sen Gupta was then, by leave of the Council, withdrawn.

Mr. P. N. GUHA: I wish to withdraw my motion.

The motion of Mr. P. N. Guha was then, by leave of the Council, withdrawn.

The amendment to the motion of Mr. P. N. Guha standing in the name of Dr. Naresh Chandra Sen Gupta was then, by leave of the Council, withdrawn.

The amendment to the motion of Mr. J. N. Gupta standing in the name of Dr. Naresh Chandra Sen Gupta was then, by leave of the Council, withdrawn.

The amendments to the motions of Messrs. S. M. Bose, P. N. Guha and J. N. Gupta standing in the name of Maulvi Tamizuddin Khan were then, by leave of the Council, withdrawn.

The motion of Mr. J. N. Gupta was then put and agreed to.

Adjournment.

The Council was then adjourned till 2-30 p.m., on Wednesday, the 11th February, 1931, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Council House, Calcutta, on Wednesday, the 11th February, 1931, at 2-30 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh), in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 115 nominated and elected members.

Oath or Affirmation.

The following member made an oath of his allegiance to the Crown:—

Mr. J. A. L. SWAN, C.I.E.

Starred Questions
(to which oral answers were given).

Mr. Addams Williams, C.I.E., term of his appointment as Chief Engineer.

*47. **Rai Bahadur KESHAB CHANDRA BANERJI:** (*a*) Will the Hon'ble Member in charge of the Irrigation Department be pleased to state whether it is a fact that the Chief Engineer Mr. Addams Williams has held his present post for about a decade as shown in the Civil List?

(*b*) Is it not a fact that the tenure of the appointment is only for five years?

(*c*) If the answers to (*a*) and (*b*) are in the affirmative, will the Hon'ble Member be pleased to state—

(*i*) for what further period Government intends to retain him in his present post; and

(*ii*) whether Government proposes to appoint him to an equally responsible position which may be created in the near future?

MEMBER in charge of IRRIGATION DEPARTMENT (the Hon'ble Alhadj Sir Abdelkerim Chuznavi): (*a*) No. Mr. Addams Williams, C.I.E., was appointed Chief Engineer of the Irrigation Department on 26th September, 1921, with effect from 16th September, 1920, but he did not take charge till 28th September, 1921. He held the post from 28th September, 1921, to 9th December, 1921, and from 9th March, 1924, to 31st January, 1931: during the intervening period he was on special duty as Chief Engineer of the Grand Trunk Canal.

(*b*) Yes, unless reappointed.

(*c*) (*i*) For no further period.

(*ii*) No such proposal is under contemplation.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Member be pleased to state, in reference to his answer (*b*), whether Mr. Addams Williams was reappointed after the first five years that he held charge of the department as Chief Engineer?

The Hon'ble Alhadj Sir ABDELKERIM CHUZNAVI: He did not hold charge of his office for five years at a time.

Rai Bahadur KESHAB CHANDRA BANERJI: With reference to the answer to question (*c*) (*i*), who is going to be appointed in place of Mr. Addams Williams?

The Hon'ble Alhadj Sir ABDELKERIM CHUZNAVI: The question does not arise.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to state what are the engineering qualifications of Mr. Addams Williams?

The Hon'ble Alhadj Sir ABDELKERIM CHUZNAVI: I must refer the member to the books of reference for his answer.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state if the period from the 9th March, 1924, to 31st January, 1931, is less than five years?

(No reply.)

Advisory Committee under Indian Steam Vessels Act.

***48. Babu SATYENDRA KUMAR DAS:** (*a*) Is the Hon'ble Member in charge of the Marine Department aware that a "rate-war"

exists or existed for some time in the district of Dacca between Messrs. I. G. N. & Railway Co., Ltd., and Messrs. R. S. N. Co., Ltd., on the one hand and some of the Indian companies on the other?

(*b*) If so, has any action been taken by Government under the provisions of the Inland Steam Vessels (Amendment) Act, 1930 (Act XIII of 1930)?

(*c*) Is the Hon'ble Member aware—

(*i*) that four members of the Bengal Legislative Council made a representation to the Government for the early appointment of an advisory committee; and

(*ii*) that Messrs. Dass Brothers, Managing Agents of the Pioneer Motor Boat Co., Dacca, submitted a representation enclosing a pamphlet entitled "The Rate-War" to His Excellency the Governor of Bengal for the immediate appointment of an advisory committee under section 54B of Act XIII of 1930?

(*d*) If the answer to (*c*) (*ii*) is in the affirmative, will the Hon'ble Member be pleased to state whether any advisory committee has been appointed?

(*e*) If so, have any rules been framed providing for the appointment, constitution, procedure and function of the said committee?

(*f*) If no committee has been appointed, when is it likely to be appointed?

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Mr. A. Marr): (*a*) Certain representations have been received on the subject.

(*b*) Under section 54 (A) of the Inland Steam Vessels Act it is the province of the Governor-General in Council to take action regarding the fixation of maximum and minimum rates. The representations which have been received have, therefore, been forwarded to the Government of India.

(*c*) (*i*) Yes.

(*ii*) No. The letter of Messrs. Dass Brothers referred not to the appointment of an advisory committee but to rates.

(*d*), (*e*) and (*f*) The question of the appointment of advisory committees is under the consideration of the local Government.

Babu SATYENDRA KUMAR DAS: Will the Hon'ble Member in charge of the Marine Department be pleased to state when the advisory committees will be appointed?

The Hon'ble Mr. A. MARR: I cannot say at present.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Member be pleased to state whether any information has been received from the Government of India as to the action they propose to take in this matter?

The Hon'ble Mr. A. MARR: No.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Member be pleased to state when the advisory committees are likely to be appointed?

The Hon'ble Mr. A. MARR: I cannot say.

Babu Hemendra Nath Nandy, Wards Deputy Collector, Alipore.

***49. Babu PROFULLA KUMAR GUHA:** (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to state the usual term of office for Executive officers, specially of Deputy Collectors at Alipore (24-Parganas)?

(*b*) Is it a fact that this station is generally reserved for senior officers of Western Bengal, specially of Calcutta, and its neighbouring districts?

(*c*) Will the Hon'ble Member be pleased to state the term of office of Babu Hemendra Nath Nandy, Wards Deputy Collector, at Alipore?

(*d*) Is it a fact that he has overstayed the usual term?

(*e*) If the reply to (*d*) is in the affirmative, will the Hon'ble Member be pleased to state the reasons therefor?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) There are no definite orders on the subject, but officers in the general line are not ordinarily kept in one district for more than three years.

(*b*) No.

(*c*) *Vide* (*a*).

(*d*) He has been at Alipore for just over three years.

(*e*) Administrative convenience.

Sherpur Independent Bench.

*50. **Maulvi AZIZUR RAHMAN:** (*a*) Is the Hon'ble Member in charge of the Judicial Department aware—

(*i*) that the jurisdiction of the Sherpur Independent Criminal Bench comprises four thanas;

(*ii*) that the litigant public are almost all the Muhammadan tenants; and

(*iii*) that the presiding officers of the Bench are either local zamindars or their managers?

(*b*) Are the Government considering the desirability of appointing a first class Stipendiary Magistrate at the head of the Honorary Magistrates or abolishing the Bench altogether?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) (*i*) Yes.

(*ii*) Yes; a large proportion of the litigant public are Muhammadan tenants.

(*iii*) No. Three are zamindars, one is a zamindar's manager. The other is the local sub-inspector of schools.

(*b*) No.

Proposed raised platforms at station Bansabati on East Indian Railway.

*51. **MUNINDRA DEB RAI MAHASAI:** (*a*) With reference to the reply to unstarred question No. 23 on the 11th August, 1930, will the Hon'ble Member in charge of the Public Works (Railways) Department be pleased to state whether the Railway Advisory Committee have expressed any opinion on the communication from this Government?

(*b*) If so, what is their recommendation?

MEMBER in charge of PUBLIC WORKS (RAILWAYS) DEPARTMENT (the Hon'ble Mr. A. Marr): (*a*) and (*b*) The Agent, East Indian Railway, who is Chairman of the Railway Advisory Committee, has informed Government that the question of providing raised platforms at stations on the East Indian Railway has frequently been discussed at Advisory Committee meetings when members were told that such facilities were provided at stations in accordance with the density of passenger traffic at each station. He has also stated that there are several stations which deserve prior consideration to Bansabati, which has been placed eighth on the list.

MUNINDRA DEB RAI MAHASAI: Will the Hon'ble Member be pleased to state whether the density of passenger traffic at Bansabati is not greater than that at any other station?

The Hon'ble Mr. A. MARR: I have no information.

MUNINDRA DEB RAI MAHASAI: Will the Hon'ble Member be pleased to give an idea as to when the construction of this platform is expected to be taken up?

The Hon'ble Mr. A. MARR: I cannot possibly say; it depends on the provision of funds.

Free primary schools for girls.

*52. **Babu SATYENDRA NATH ROY:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether it is the intention of Government to establish more free primary schools for girls within the next official year?

(*b*) If so, will the Hon'ble Minister be pleased to state the number of such proposed schools?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Mr. Khwaja Nazimuddin): (*a*) No.

(*b*) Does not arise.

Persons employed in industrial concerns.

*53. **Babu SATYENDRA NATH ROY:** (*a*) Has the attention of the Hon'ble Member in charge of the Commerce Department been drawn to the fact that a large number of persons employed in industrial concerns in and around Calcutta have recently been thrown out of employment?

(*b*) What measures have been, or are intended to be, taken to relieve the distress of such persons?

MEMBER in charge of COMMERCE DEPARTMENT (the Hon'ble Mr. A. Marr): (*a*) No specific representations have been received on the subject, but it is a fact that, owing to the prevailing trade depression, a certain number of persons employed in industrial concerns in and around Calcutta have been thrown out of employment during the past year.

(*b*) Government do not propose to take any measures. The majority of the persons concerned belong to other provinces and have gone back to their homes.

Classification of political prisoners.

*54. **Babu SATISH CHANDRA RAY CHOWDHURY:** (*a*) Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state in how many cases, since the inauguration of the new jail rules, the Government have refused to confirm the recommendations and orders of the trying Magistrates in the matter of assigning divisions to political prisoners?

(*b*) Is it a fact that the Government have in the majority of cases, if not in all, reversed the orders of the trying Magistrates by placing political prisoners in the divisions next lower to that recommended by the trying Magistrates?

(*c*) Will the Hon'ble Member be pleased to state—

(*i*) in how many cases prisoners have appealed against the orders of the trying Magistrates in the matter of allotment of divisions;

(*ii*) in how many cases have such appeals been allowed;

(*iii*) whether any inquiry is made by the trying Magistrates regarding the circumstances and social status of the political prisoners before orders regarding divisions are passed; and

(*iv*) whether any note is made of such inquiries?

MEMBER in charge of POLITICAL (JAILS) DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (*a*) The information is not available and could only be obtained by a laborious examination of a very large number of cases which, Government regret, they are not prepared to undertake.

(*b*) No.

(*c*) (*i*) and (*ii*) The member is referred to the answer given to (*a*) above.

(*iii*) Yes.

(*iv*) When forwarding their recommendations they report the grounds on which they are based.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state whether Government is aware of the bitterness of feeling on account of certain lady-*satyagrahi* prisoners being placed in the third division?

Mr. PRESIDENT: That question is very vague.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Member be pleased to state whether there are some cases in which the recommendations of the trying Magistrate have not been given effect to, and the prisoners have been placed in the lower division?

The Hon'ble Sir PROVASH CHUNDER MITTER: Yes. The reason is this: in some cases they have been promoted and in some cases brought down. We have tried to observe uniformity as far as possible.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Member be pleased to state whether in reversing the recommendations of the trying Magistrate any principle has been observed?

The Hon'ble Sir PROVASH CHUNDER MITTER: Yes, so far as possible on meagre materials.

Kumar SHIB SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state whether the Political Department of the Government of Bengal have any say in the matter?

The Hon'ble Sir PROVASH CHUNDER MITTER: No, not in the case of convicted prisoners.

Unstarred Questions

(answers to which were laid on the table).

Sanatorium for tuberculosis patients.

25. Dr. AMULYA RATAN GHOSE: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether any steps whatsoever have been taken to establish a sanatorium for tuberculosis patients?

(*b*) If so, what are the steps taken?

(*c*) If no steps have yet been taken, will the Hon'ble Minister be pleased to state the reasons therefor?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Mr. Bijoy Prasad Singh Roy): (*a*) to (*c*) The member is referred to the reply to his unstarred question No. 51 at the last Session of the Legislative Council. The position remains the same.

Recruitment of sub-inspectors and assistant sub-inspectors of police from Tangail and Jamalpur.

26. Maulvi AZIZUR RAHMAN: Will the Hon'ble Member in charge of the Police Department be pleased to lay on the table a statement showing from 1921 the respective number of—

(*1*) Hindu, and

(*2*) Muhammadan

sub-inspectors and assistant sub-inspectors of police recruited from the Tangail and Jamalpur subdivisions of the Mymensingh district?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): Government are not in possession of the information required, nor are they prepared to order the detailed inquiries necessary to supply it.

River Titas.

27. Babu KHETTER MOHAN RAY: (*a*) Has the attention of the Hon'ble Member in charge of the Irrigation Department been drawn to the resolution of the second general meeting of the North Tippera Tenants' Welfare Association held on the 2nd January last pointing to the silting up of the river Titas, menacing the trade of jute centre Akhaura on the Assam-Bengal Railway?

(*b*) Is the Hon'ble Member aware that the silting up of the river is affecting the communication, health and crops of the localities of an extensive area intersected by this river?

(*c*) Are the Government considering the desirability of—

(*i*) holding an inquiry into the condition of this river; and

(*ii*) of taking steps to dredge the same?

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: (*a*) Yes.

(*b*) No.

(*c*) (*i*) The Executive Engineer, Khulna Division, has been making an investigation and a report on the matter will soon be submitted to Government.

(*ii*) No.

Professors in the Dacca Training College.

28. Maulvi ABDUL HAMID SHAH: Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) the number of professors in the Dacca Training College; and

(*ii*) how many of them are—

(*1*) Christians,

(*2*) Hindus, and

(*3*) Musalmans?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (*i*) Three including one temporary Bengal Educational Service post created against the Indian Educational Service vacancy in the post of Vice-Principal of the College.

(*ii*) (*1*) Nil.

(*2*) 3.

(*3*) Nil.

Revenue from judicial and non-judicial stamps and excise.

29. Maulvi ABDUL HAMID SHAH: Will the Hon'ble Member in charge of the Finance Department be pleased to lay on the table a statement showing the amount of revenue derived during the months of July to December in the years 1928, 1929 and 1930 from—

(*a*) judicial and non-judicial stamps; and

(*b*) excise?

MEMBER in charge of FINANCE DEPARTMENT (the Hon'ble Mr. A. Marr): (*a*) and (*b*) A statement is laid on the table.

Statement referred to in the reply to unstarred question No. 29.

	Judicial stamp.			Non-Judicial stamp.			Excise.		
	1928-29	1929-30	1930-31	1928-29	1929-30	1930-31	1928-29	1929-30	1930-31
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
July ..	19,91,957	20,05,157	17,75,448	6,58,149	6,99,998	4,68,640	17,41,381	18,00,692	12,94,911
August ..	20,16,086	18,74,764	21,43,722	6,92,445	6,32,482	4,92,815	17,16,460	17,79,095	13,07,109
September ..	21,28,284	20,96,343	22,90,716	9,81,493	7,49,962	4,98,326	17,61,296	17,30,110	15,85,423
October ..	8,85,011	3,83,857	6,53,907	8,83,441	4,71,796	3,32,768	18,96,221	19,37,120	13,98,750
November ..	13,12,881	21,87,227	21,80,322	8,67,546	7,83,069	5,81,310	19,62,269	18,93,286	14,26,511
December ..	14,75,775	15,40,992	15,54,254	11,22,256	8,00,601	4,49,899	18,85,924	19,31,933	14,93,261

GOVERNMENT BUSINESS.

Report of the Bengal Legislative Committee on Public Accounts on the Appropriation Accounts for 1928-29.

The Hon'ble Mr. A. MARR: I beg to present the report of the Bengal Legislative Committee on Public Accounts on the Appropriation Accounts for the year 1928-29.

Kumar SHIB SHEKHARESWAR RAY: On a point of order, Sir. What is the procedure? Are the members entitled to discuss this report?

Mr. PRESIDENT: The procedure was laid down by me some time ago. It is this: that no motion could be presented to the House in regard to this, but a general discussion was permissible. Would you like to say anything about this?

Kumar SHIB SHEKHARESWAR RAY: No. I was not aware of this.

2-45 p.m.

Excess Grants.

20.—Interest on other obligations.

The Hon'ble Mr. A. MARR: Before I move the actual demands, Sir, with your permission, I should like to repeat what I said last year regarding these excess grants. After the budget year is finished, the accounts are made up by the Accountant General and if he finds that any grant in the budget has been exceeded, he brings the fact to the notice of Government and it is one of the principal duties of the Committee on Public Accounts of this House to examine into these excesses and satisfy itself of the causes of the excesses before reporting to this Council. That report is then laid before this Council as has just now been done, and the Council is then asked to vote on each such excess grant. In doing so, up till now it has been the convention that the Council generally accepts the Public Accounts Committee's recommendations and I may mention that this convention is also followed in the House of Commons.

Sir, on the recommendation of His Excellency the Governor, I beg to move that an excess grant of Rs. 782 be voted by the Council to regularise the expenditure actually incurred in excess of the voted grant in the year 1928-29 under the major head "20.—Interest on other obligations."

This particular item has been explained on page 6 of the Public Accounts Committee's report and on page 42 of the proceedings of that Committee. This small sum of Rs. 782 represents interest on excess land revenue paid by certain landholders who obtained a decree for the amount and Government had to make the payment though, as it could not be foreseen, no provision had been made for it in the budget. That is to say, the excess land revenue was debited against the head "Land Revenue" on the expenditure side of the budget and the interest on this had to be debited to the head, "Interest on other obligations."

The motion was put and agreed to.

46.—Stationery and Printing.

The Hon'ble Mr. A. MARR: On the recommendation of His Excellency the Governor, I beg to move that an excess grant of Rs. 17,894 be voted by the Council to regularise the expenditure actually incurred in excess of the voted grant in the year 1928-29 under the major head "46.—Stationery and Printing."

This item has been discussed on page 6 of the Public Accounts Committee's report and on page 47 of the proceedings of that Committee. It was explained to the Public Accounts Committee that the provision for depreciation under "Government Presses" proved to be inadequate. The actual excess under "Voted" amounted to Rs. 17,894 and there was a slight saving of Rs. 894 under "Non-voted." So, roughly speaking, the excess was Rs. 17,000 for which a supplementary demand has been made. This expenditure is due to the fact that the Government of India reduced their printing work which used to be done in the Bengal Presses. The recovery from the Government of India amounted to Rs. 2,103 as against a budget estimate of Rs. 17,000 resulting in a loss of Rs. 14,000 odd. On that the Committee held that, as would be seen from the proceedings of their meeting, this excess was largely due to unexpected reduction in the printing work done for the Central Government. They were satisfied with the explanation and recommended that the Council would sanction the excess.

The motion was put and agreed to.

DEMANDS FOR GRANTS.

25.—Jails and Convict Settlements.

The Hon'ble Sir PROVASH CHUNDER MITTER: On the recommendation of His Excellency the Governor I beg to move that a token sum of Re. 1 be granted for expenditure under the head "25.—Jails and Convict Settlements" during 1930-31 on account of new jails and sub-jails in Bengal.

Sir, the members of this Council will remember that in August last the Council voted a supplementary grant of Rs. 10,43,500 under the head "25.—Jails and Convict Settlements" to cover expenditure on account of abnormal increase of persons committed to custody in the existing jails and the Dum Dum Special Jail. To relieve overcrowding in these jails, four temporary jails (*viz.*, Additional Special Jail, Dum Dum, Special Jail, Berhampore, Special Jail, Hijli, Additional Special Jail, Hijli), and an Additional Sub-Jail at Alipur Duars have since been opened. The expenditure involved in maintaining and guarding the excess population who have now been transferred to these new jails can be met from the supplementary grant already voted by the Council, and no extra expenditure is required. The assent of the Council is therefore sought to a token grant of Re. 1.

Mr. B. C. CHATTERJEE: Sir, last year when we voted a certain amount of money for the construction of new jails, we did it in the supposition that the people who were to be sent to jail would be regarded as human beings and that they would be entitled to treatment as human beings. But since then we have found that during picketing, students and young men who went about trying to dissuade others from attending schools and colleges, were severely beaten by the police. Now, Sir, if a man commits an offence, surely he is liable to be arrested and put on trial and, if convicted, sent to jail. But we did not realise that the first part of the punishment was to be inflicted by the police on the young men, and that then the jails would take a supplementary part in the punishment of these men over again. I can prove my statement by bringing before the Council and every Member of Government, a number of boys whose bare backs would show them from top to bottom marks of the caning which they had received at the hands of the police at various places. Are we, Bengalis, going to be treated as being less than the mere men God made us? Is that to be the inauguration of the new order of things in the country? It is a dreadful thing to see our own countrymen treated as if they were mere animals, cats and dogs, which creatures even are treated more kindly by us. Only the other day Mr. Subhas Chandra Bose defied a police order and thereby made himself liable to arrest—I am not here to try and encourage anybody to defy a police order, if a man disobeys a police order he is liable to arrest—but before he was arrested he was severely belaboured by the police who had sticks in their hands. And I know too that a lady, Miss Jotirmoyee Ganguli, who was next to Subhas, got a broken wrist trying to ward off a blow meant for Subhas by the police. We should not make any grant for jails, I ask the members present here not to vote any grant for the construction of new jails, if men are going to be exposed to this kind of treatment, as a preliminary to their entering the jails. Will the Member in charge

of Jails give us an undertaking, a solemn and inviolable undertaking, that the people whom he will confine in these jails will not, in the first place, be subjected to assault by the police who arrest them? I submit, and as a lawyer, I maintain that the police have no right to assault anybody they are going to arrest if they offer no opposition. Let them arrest anybody, but what right have the police to belabour them, as they belaboured the students whose backs bear unmistakable evidence of the police atrocities, and as they did in the case of Mr. Subhas Chandra Bose and Miss Jotirmoyee Ganguli. I submit that we ought to have an assurance that we Bengalis are going to be guaranteed against this sort of thing, this sort of preliminary punishment by the police in anticipation of the judgment of the Magistrate. There are cases in which some of the people arrested after assault were let off by the Magistrate.

The Hon'ble Sir PROVASH CHUNDER MITTER: On a point of order, Sir, I would like to point out that I am moving for a token grant of Re. 1 for expenditure on account of new jails and sub-jails in Bengal. I have nothing to do with the conduct of the police.

Mr. PRESIDENT: Any way, Mr. Chatterjee cannot ask the Member in charge of Jails for an assurance of this kind. All this happened outside the jail.

Mr. B. C. CHATTERJEE: I very much appreciate your ruling but my point is that Sir Provash does not stand by himself. He and his colleagues are jointly responsible for what happened————

The Hon'ble Sir PROVASH CHUNDER MITTER: On a point of order, Sir, this is not a matter that concerns the Jails Department.

Mr. PRESIDENT: Mr. Chatterjee should be allowed to proceed till he touches upon matters which have no affinity whatsoever with the question now before the House.

Mr. B. C. CHATTERJEE: If Mr. Prentice is responsible for the orders, and Sir Provash did not approve of them, then why did he not resign? Inasmuch as he did not do so he is just as responsible for those orders as Mr. Prentice. No Member of Government can take shelter under the plea that he is in charge of a particular department of Government and that he is therefore not responsible for whatever happens in another department. Take the 10 lakhs, but give the guarantee first that there will be no ill-treatment by the police beforehand. If Sir Provash cannot give the guarantee, I ask the Government of which he is a Member to give it. I say if Mr. Marr

cannot give it, then let Mr. Prentice give it, but we must have a guarantee from some Member of the Government. Can we get the information from somebody on the Government of Bengal as to who can give this guarantee that the people will not be treated in the way they are treated at present? I ask for a guarantee from the Government of Bengal. If Sir Provash, or Mr. Marr, or Mr. Prentice, or Sir Ghuznavi cannot give it, who and where are the fugitive Members of Government who can give it? Let them come forward and give us the assurance and then ask for money for the construction of new jails. We are tired of being treated as aliens in our own land, as being less than the mere men God made us, as I have said. I do ask all the members present here not to vote this token grant until that assurance is given.

3 p.m.

Babu NARENDRA KUMAR BASU: The matter brought to the notice of the Council by the speaker who has just preceded me may not be a matter within the purview or the competence of the Member in charge of Jails who wants this grant, but I would draw the attention of this Council to the treatment meted out to a prisoner in jail which I understand has been the subject matter of an inquiry by the Jails Department, but the result of which is not known either to the public or to the prisoner's relations, and the responsibility for which I think not even the Hon'ble Sir Provash Chunder Mitter can deny. A young man convicted by the subdivisional magistrate or some magistrate of the Kushtia subdivision was kept in the sub-jail there and was ordered to be transferred to the Krishnagar jail. This happened only in the last week of January. He was ill and had been fasting the whole day and refused to stir out of the jail. Thereupon a piece of rope was tied round his waist; he was actually dragged out of the jail by jail warders and taken to the Kushtia railway station. There this boy attempted not to board the train and thereupon he was assaulted by the warders and put in the train. On reaching the Krishnagar station he was unable to walk the two miles or so the distance from the railway station to the Krishnagar jail. The rope round his waist was again taken up by the warders and he was dragged through the streets, literally dragged through the streets, so that one of his toe-nails came out. I would like to know whether this is the sort of treatment to which prisoners in jails are to be subjected.

There is just another matter. I think that one of the items of expenditure incurred by the Jails Department out of the voted grant was for the purpose of having electrified barbed wires round certain jails and places of detention. That, I submit, is a misuse of the Council's money and the Council as a whole never anticipated that

such inhuman measures should be taken by the Jails Department. At least for these two reasons I think this token demand should be refused by this House.

Dr. NARESH CHANDRA SEN GUPTA: I shall ask this Council to register its disapproval of the policy of Government in this matter by recording its vote against it. I do not want to refer to any matter which is irrelevant, but I want this Council to remember certain facts —certain broad facts. When the civil disobedience movement was first started, everywhere there were arrests made and imprisonments awarded. No complaint was ever made in the early days of any serious assaults being committed by the police. Then came a stage, a stage at which Government was called upon to build more jails for the purpose of accommodating the prisoners and this Council was induced to make a grant inspite of the earnest efforts of some of us to express disapproval of that. The assumption on which the grant was made was that an adequate number of jails would be provided to provide suitable accommodation for all persons who might come in. I warned Sir P. C. Mitter at the time that he was too modest in his demand and that men who were willing to come in would soon overcrowd all the jails that he could make. However, the basis on which the grant was made was that adequate accommodation would be provided for those who wanted to be His Majesty's guests. Certain new jails were built and they were all filled up, and then at the crucial moment we find a change in policy. The change was indicated by assaults upon pickets, assaults upon persons who were engaged in the civil disobedience movement. I cannot believe that there is no connection between the two. It seems to me that when a magistrate, who is both the head of the Executive and of the Judiciary, finds that accommodation in jail is inadequate to provide room for all those who had to be sent to jail, he adopts the policy of using force more freely for the purpose of preventing people from coming to jail. Because he could not find accommodation for all persons in the jail, therefore they should be dealt with by physical force. That seems to have been the policy and that is the only policy, the only hypothesis, which can possibly explain the great change in the policy of the executive Government in dealing with the civil disobedience movement during the last few months. During these days when the jails were filled we have had a very large number of complaints, complaints to which many of us can bear personal testimony, of inhuman assaults upon students and young men for the ostensible purpose of dispersing crowds which were not unlawful assemblies. If there were any doubt as to whether it was the policy of Government or of any person responsible for any department of Government, to assault the law breakers rather than send them to jail, I shall refer them to the

judgment of a magistrate before whom a person was accused of one of these offences in connection with picketing. That man pleaded guilty after 15 days' jail life and asked for mercy. The magistrate thereupon discharged him having regard to the above fact. Then a significant passage was added in the order that "he be warned and that if he attempts a repetition of the offence the police have been instructed to deal with the situation by the use of force and not by arresting." I take it that this learned magistrate has let the cat out of the bag. The fact is that Government were not prepared to accommodate all these persons in jails and it was for that reason that Government launched upon this policy which has been so strongly criticised by many.

The Hon'ble Mr. W. D. R. PRENTICE: May I ask who the magistrate was and when the judgment was delivered?

Dr. NARESH CHANDRA SEN GUPTA: The Hon'ble Mr. Prentice must have been aware of the name of this magistrate for he was dealt with departmentally. The judgment was delivered by Mr. Hughes, Subdivisional Officer of Tangail, and if the Hon'ble Mr. Prentice wishes I can give him a certified copy of the order.

Now I take it that that is the only explanation of the change of policy on the part of Government, and as Government in the Department of Jails is responsible for not making adequate provision for all the prisoners in the jails, I ask hon'ble members to vote against this demand.

Mr. SHANTI SHEKHARESWAR RAY: I have not got a clear idea what our position is in connection with this demand. During the discussion of the budget the Hon'ble Member in one of his most blatant moods declared, when we passed a censure cut against the maladministration of the department, that under the present constitution members of this House have no business to criticise this department or something to that effect because he presided over a reserved department.

The Hon'ble Sir PROVASH CHUNDER MITTER: May I rise on a point of personal explanation? May I point out that the member is not correct?

Mr. SHANTI SHEKHARESWAR RAY: I do not exactly remember the words he used but the gist of his remarks was more or less to that effect.

Mr. PRESIDENT: You should accept the explanation given by Sir Provash.

Mr. SHANTI SHEKHARESWAR RAY: I accept his explanation, but the gist of his speech was that, Sir Provash Chunder Mitter can afford to be callous. He is in the happy position of a person, who can, like a village *bahurupi*, be official one day and non-official another day

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Mr. PRESIDENT: You can criticise the action of an official in charge of and responsible for a Government department, but not Sir Provash Chunder Mitter as he is.

Mr. SHANTI SHEKHARESWAR RAY: With all respect to you, Sir, I am criticising an official action of Sir Provash Chunder Mitter as a Member of Government. But just to fix his position I was referring to the fact that the other day he was a non-official and to-day an official.

Mr. PRESIDENT: Order, order. I am afraid I cannot allow you to do that.

Mr. SHANTI SHEKHARESWAR RAY: Very well, Sir, I will take him as he is to-day. As Member in charge of the Jail Department he has come forward for a token grant. I thought the best way that we can express disapproval of the jail administration is to ask the House to reject it altogether. As an Indian I am ashamed of the administration of the Jail Department. In these days the jails are not occupied by convicts who are dregs of the society but by men of position and even by ladies of good families. The mentality of the jail administration is not moving with the times. The jail administration thinks that it has to deal with convicts of the common class, but what I want to emphasise is that if it desires to receive our support it should change its mentality; it should realise that it has to deal with a new type of convicts who, though convicts to-day, may be rulers to-morrow.

3-15 p.m.

Sir, I hung my head in shame the other day when I heard that in the jail certain ladies of good families were not supplied with certain necessaries, and consequently they resorted to hunger-strike. Did the Hon'ble Member ever go and inquire why so many ladies had gone on hunger-strike? He did nothing of the kind.

Then, Sir, the other day I heard that one lady gave birth to a child and that child died in jail.

The Hon'ble Sir PROVASH CHUNDER MITTER: Can the hon'ble member give me the names of the ladies who went on hunger-strike?

Mr. SHANTI SHEKHARESWAR RAY: I do not know the names of all, but I can supply the reports.

The Hon'ble Sir PROVASH CHUNDER MITTER: So long as you cannot supply the names, it is not fair to make these allegations.

Mr. SHANTI SHEKHARESWAR RAY: I am not so fortunate in having so many secretaries at hand like the Hon'ble Member. All that I can do is to furnish him with a report of the hunger-strike of lady prisoners.

The Hon'ble Sir PROVASH CHUNDER MITTER: If the hon'ble member will give me particulars I shall be glad to inquire into the matter.

Mr. SHANTI SHEKHARESWAR RAY: I shall do so.

Sir, I was referring to the death of the child. If there had been little sympathy, if there had been little imagination on the part of the authorities, the child would not have been born in the jail. The lady concerned would have been released when she was in that condition. Sir, I shall leave the lady prisoners alone. I have heard—I have read in the newspapers—of cases of hunger-strike frequently among political prisoners. Sir, one does not go on hunger-strike for the mere fun of the thing. Did the Hon'ble Member ever go and inquire into their grievances? The whole thing is explained by the attitude of the Hon'ble Member in charge of the department, who thinks that he is not responsible to the people, so that the department can be administered as he thinks or as his officers think best. If this is the position, then why do you come to us for the grants, why do you ask for our sanction for them?

Sir, I do not want further to embitter the feelings of the Hon'ble Member in charge of the department by going into details. Sir, it may be that because he is in possession of power to-day, because so many people are under his control, he may not care for our views.

Mr. PRESIDENT: I am afraid you are again making personal references.

Mr. SHANTI SHEKHARESWAR RAY: No, Sir. I am referring to him as a Member of the Government. I have no personal grievance against him. In fact, I have no acquaintance with him, except a nodding one. He enters by the North Gate, while I enter by the South Gate. (Laughter.)

Mr. PRESIDENT: Order, order.

Maulvi SYED JALALUDDIN HASHEMY: Sir, fortunately or unfortunately I have had occasions to be in jail. I must be thankful to the Hon'ble Member in charge of the Jail Department for placing me in the Alipore Central Jail, the first jail in Bengal. Only the other day I went to the Dum Dum Special Jail and the Dum Dum Additional Jail. I shall not say anything of my personal experience, but I shall relate what I have heard from others, especially from a member of this House who had recently been in jail. I have heard stories about these jails in Dum Dum from Maulvi Shamsuddin Ahmad —who was a member of this House till recently—and who was released recently from the Dum Dum Special Jail. Sir, I shall also relate the interesting details regarding the treatment of the political prisoners, the sanitary condition of the jails, the kitchen arrangements, and so forth, as related by my friend Lal Meah, who was also recently released from that jail. The Dum Dum Special Jail, which is now intended for class 1 and class 2 prisoners, was once used as a factory for manufacturing ammunitions, and the Dum Dum Additional Jail, which had very recently been erected, might very well be described as a cow-shed. I have also got a report about the condition of the new jail at Hijli from a friend, who was a co-worker and a colleague. I shall not say a word about the police excesses. I shall only relate some stories about the excesses in the Khulna District Jail. Sir, I have no objection, and possibly I cannot make any objection, if any harsh treatment is meted out to political prisoners in jails, but I should like to point out the treatment meted out to a gentleman who was convicted for defamation or something like that. He was assaulted. Normally, I would have no objection if he was assaulted, but the gentleman was assaulted when he was reading the Koran. I noted the fact in the Visitors' Book. The Koran was torn and thrown away by the warders. (Cries of "Shame.") Sir, I have not forgotten, and I think members of this House have not forgotten the excesses that were committed in the Alipore Central Jail when Babu Subhas Chandra Bose and Srijut J. M. Sen Gupta and others were assaulted. I was a prisoner in the Alipore Central Jail when some of my friends—the unfortunate accused persons in the Kalagachi Bomb Case—shouted *Bande Mataram*, with the result that the European sergeant in charge of that ward and some of the Hindustanee warders rushed inside the ward and assaulted those gentlemen in a manner which I cannot describe here fully. Sir, every gentleman, who has a social status, expects, if he happens to be in jail, to be properly housed. In the Dum Dum Special Jail the newly-made kitchens and latrines have been placed side by side. No man with a sense of decency can dine at a place where the latrine and the kitchen are placed side by side. Moreover, Sir, I have

correct information that there is no shed for hiding the shame of the prisoners, and that not even a tin-shed is there to make a line of demarcation between the kitchen and latrine at the Dum Dum Jail where first class and second class prisoners are located.

As regards the Hijli Jail, it was intended for some other purpose. I think the Hon'ble Member in charge will agree with me that over 1,000 prisoners are accommodated there, but I can say that from the sanitary point of view not more than 400 persons can be accommodated there properly. This is the kind of jails that have been erected to house the educated middle-class people of Bengal. I had a talk with Lal Meah even to-day. He was a first class prisoner in the Dum Dum Special Jail. He said that 93 prisoners were accommodated in a particular ward of that jail which could give accommodation for only 10 or 12 persons with tables and chairs as enjoined by the new rules. I would request hon'ble members of this House to consider the conditions of the new jails for which this special grant is asked for. It is no use going into details of police excesses or excesses committed by jail warders inside the jails. This matter has to be considered from the sanitary point of view.

One point I would emphasize and that is this. There is no hospital in the Dum Dum Jail. When people suffer from any disease —even a mortal disease—they are removed in a third class lorry from Dum Dum to Alipore—a distance of nearly 9 or 10 miles. I will mention another thing. You know, Sir, that every prisoner—every educated prisoner—expects to get some books to pass their time in jail, but the Dum Dum Special Jail, or the Dum Dum Additional Jail or the Hijli Jail—in short every new jail has no library or books for the use of the prisoners. This is the condition of the jails now erected for the civil disobedience prisoners.

Therefore, Sir, I for myself am not going to vote for this grant, and I would also request hon'ble members of this House not to vote for this grant.

Babu SATISH CHANDRA RAY CHOWDHURY: Sir, if I rise to speak on this motion after my leader has spoken it is because I want to lay my experience before this House—experience of how jails are administered. So far as the preliminaries are concerned, they have been dealt with by previous speakers. The idea which led us to sanction the grant last year for additional jails was to provide additional accommodation and thereby prevent the health of the prisoners from deteriorating. But we find from experience that matters have gone the contrary way, that although we sanctioned this grant we find that the confidence that we reposed in the Hon'ble Member has been abused. When persons are put in jail, there is the classification question. This

classification of prisoners into three classes, whatever might have been the original motive, is more abused than correctly followed. So far as class III prisoners are concerned, we find from our experience that they are very harshly treated on various grounds. They are denied the ordinary comforts to which they are accustomed outside the jail.

3-30 p.m.

I understand that the meaning of classification is to allow each prisoner put in jail the same amenities of life to which he was accustomed before he went to jail; but we find that prisoners belonging to all stations in life are put in class III, and it will not be a matter of surprise to many—I know of one case in which the gomasta of a big taluqdar who owns property in Tangail in the Mymensingh district, yielding an income of Rs. 12,000 annually—I am giving the particulars so that my statement may be verified—and the name of the taluqdar is Babu Debendra Chandra Bhowmik. He was put in division II whereas the taluqdar himself was put in class III. There was probably some underlying reason for this differential treatment; perhaps the gomasta rendered some service to Government, and it is not unlikely that he was instrumental in putting his master to trouble. I fail to see the reason why the gomasta was placed in class II whereas his own master was put in division III. The whole thing has become scandalous. Many people are suspecting that there must be some underlying reason for this sort of arrangement. I put a question whether Magistrates in passing sentences did not classify the prisoners and the Hon'ble Member-in-charge was pleased to say that it was so. I further suggested that the Magistrates have the best means of knowing what the station in life of a prisoner is and when the Magistrates recommend that he should be placed in a higher division, it passes our comprehension why the prisoner is to be put in the lower division.

Then, Sir, as regards the diet supplied to this class of prisoners, I may say that it is simply horrible. I have been to jails and I have found that the food that is supplied to class III prisoners is quite unfit for human consumption. It may be said that no objection was taken to this before. The reason is that since the civil disobedience movement began, persons who go to jails belong to the *bhadralok* class and the prisoners who had been to jail before belong to the lower order of society and could not ventilate their grievances. It is only the civil obedience prisoners that are making these complaints, they are creating grievances when there are no grievances at all. The ordinary prisoners were not in a position to ventilate their grievances.

I am speaking on matters which are within the purview of the Member in charge of the Jail Department. I may state that when the picketers and others concerned in the civil disobedience movement are

arrested, we find that as a matter of fact they are not speedily brought to trial. Adjournment after adjournment—illegal adjournments for months and mouths—are granted at the request of prosecution although there is a rule that no adjournment should be granted for more than 15 days———

The Hon'ble Sir PROVASH CHUNDER MITTER: Sir, I am not in charge of the department which deals with the trial of cases.

Babu SATISH CHANDRA RAY CHOWDHURY: Sir, my position is that this is the only constitutional way of expressing our disapproval of the measures which are taken by Government, and the reason why we do not want to sanction this grant is really to get the members of Government to attend to these grievances and remedy them.

The Hon'ble Sir PROVASH CHUNDER MITTER: Sir, I may point out that the point raised by Mr. Ray Chowdhury is not relevant to the matter before the House. Members of Government can be asked to explain matters relevant to the department in their charge and cannot be expected to know of the details of the departments not in their charge. That is why the rules lay down that a particular matter which is within the cognisance of a member can be dealt with by him.

Mr. PRESIDENT: Sir Provash is right. Those remarks are not strictly relevant to the subject before the House.

Babu SATISH CHANDRA RAY CHOWDHURY: Sir, I bow to your ruling. But I think the jail diet comes within the province of the Hon'ble Member. We find that these political prisoners—I make no distinction between political and non-political prisoners—are not allowed the amenities of life to which they are accustomed and are classed in division III. This is not my experience only but the experience of many others. It is for this reason as a constitutional way of expressing our disapproval of the manner these prisoners are tried and recording our protest against the way things are administered in the jails that we should refuse this grant.

Babu KISHORI MOHAN CHAUDHURI: Sir, it is high time that we should protest against the treatment that is now being meted out to the prisoners of the *bhadralok* class. I am a visitor of the Rajshahi Central Jail and I have had occasion to see and hear the grievances of some of them. On one occasion or rather two or three occasions I brought them to the notice of the Hon'ble Sir Provash Chunder Mitter and he was kind enough to remove some of the grievances. The third class prisoners are not allowed any oil to use and they are allowed fish

only once a week. The sort of food that is supplied to them is quite unsuitable for prisoners of the *bhadralok* class. For all third class prisoners the arrangement is the same. When I complained against this, I was told that it was unfortunately the decision of the All-India Conference of the Jail authorities that there should be made no distinction. The status of life of the *bhadralok* prisoners detained for picketing or other political offence ought to be taken into consideration. I felt much when the prisoners complained and expressed their willingness to provide for the additional expenses themselves; but even that could not be allowed. I cannot understand why the Magistrates in passing sentences should not take into consideration the social status and position in life of the persons whom they convict. They should make some recommendation for putting the better class of people in a higher class. I cannot understand why a distinction should not be made between common prisoners and *bhadralok* prisoners. I am also of the opinion which has been expressed by my friend Mr. Chatterjee that if the Hon'ble Member is not in a position to enforce these things, it is not possible for us to stop the inhuman treatment meted out to the prisoners. I myself saw at Malda a boy of about 14 years being wantonly assaulted by the District Superintendent of Police for the simple offence of uttering *Bande Mataram*.

Mr. PRESIDENT: Not within the jail? (Laughter.)

Babu KISHORI MOHAN CHAUDHURI: No, not within the jail, but I mention this incident because it was a painful sight to see. We should make known to the authorities that some sort of gentlemanly treatment should be meted out to these prisoners The other day the Mayor of Calcutta was treated in a way which cannot be supported by anybody. We, however, now understand that in a certain quarter it is supported. Why he could not be arrested without wantonly assaulting him I cannot understand. These are things which ought to be stopped. We know that our disapproval or approval means nothing; even if we refuse the demand, it will be certified, but still it is our duty to record our protest and make it known to Government that these things we cannot tolerate and it is high time that some remedial measures should be taken. I quite see that it is a matter in which it is difficult for Sir Provash to give any undertaking, but at the same time unless any improvement is made in the arrangements at present prevailing it will tell heavily on the health of the young prisoners. Can we be apathetic to all these things? We are asked to go and see and when we bring them to the notice of the proper authorities very little notice is taken of our complaints. Government should consider these things and take remedial measures in dealing with prisoners whose

station in life demands that they should be treated with more consideration. Mosquito curtains are not provided for anyone. Separate arrangements for the supply of food to the *bhadralok* prisoners should be made. They should be shewn some consideration.

Sir, anyhow we insist that some special consideration should be shown to these prisoners, and some special orders must be issued to the effect that authorities should not use unnecessary force in dealing with these prisoners, when they do not resist arrest.

3-45 p.m.

Maulvi ABDUS SAMAD: I do not like to make a speech but I only wish to draw the attention of the Hon'ble Member in charge of the Department of Jail to certain events which have taken place within the Berhampore Special Jail. There are two jails in Berhampore—one for ordinary prisoners and the other for political prisoners, which is called the special jail. As a member of the Legislative Council I am a visitor of the ordinary jail. As a member I should also have been a visitor of the special jail but I do not know why my nomination was not accepted by the higher authorities. What I will say now has been gathered from ex-prisoners of the special jail who have recently been released. They thought that as a member of the Council I could visit the jail and take steps for the redress of their grievances. Their narration made such deep impression on me that it brought tears to my eyes. I do not know whether they exaggerated things but the statements were made in such a straightforward and feeling manner that I could not but believe in what they said. Sir, on the occasion of Mr. Subhas Chandra Bose's visit to Berhampore the prisoners coming to know of the event formed themselves into a procession and cried *Bande Mataram*. That was considered to be a breach of law by the jail authorities and since that time they have been put to all sorts of troubles. If the report of these ex-prisoners be true, 21 or 22 warders entered into their cells at night and began to beat the prisoners without any rhyme or reason. When asked why they were doing so, the prisoners were told that they had got revolvers and bombs with them. I am told that up to this time marks of blood can be seen on the walls of the lock-up. On that ground 3 or 4 prisoners went on hunger-strike but nothing definite has been done to remove the grievances and break the hunger-strike. I saw the District Magistrate about this and he was kind enough to assure me that he would make an inquiry and try to induce the prisoners to break their hunger-strike. These are things which I think the Hon'ble Member in charge of the Portfolio of Jail should take notice of and direct an inquiry to be made by an independent committee so that such things may not occur again. With these words I oppose the motion.

Mr. R. H. HUTCHINGS: Sir, I cannot address the House with regard to the treatment of prisoners before they come under the care of the Jail Department, and I know that the House will not expect me to answer the points which have been raised in that connection. But I can speak on behalf of the Jail Department—with regard to the administration of the prisons and the treatment of prisoners once they are sent to jails by the courts

I would like first of all to take up the points which have been made by the last speaker in regard to the Berhampore Special Jail and after I explain things, the House will realise that everything that is reported to them regarding the treatment of prisoners in the special jails is not always strictly accurate.

As regards the prisoners being on hunger-strike because of certain grievances, the fact is that certain prisoners in the Berhampore Special Jail reported to the Superintendent of the Jail on the 27th of December that a certain stone which they said they had been worshipping as representing the God Shiva had been removed and they asked the Superintendent to make arrangements for the stone to be replaced with proper ceremony. This the Superintendent declined to do as it is absolutely forbidden to do so under Rule 1261 (c) of the Jail Code which has been in force for very many years. That rule lays down that no religious symbol should be allowed to be installed on any Government land and such symbols have never been allowed to be installed with the permission of the jail authorities within the precincts of the jail. Thereupon the prisoners declared their intention to go on hunger-strike as a protest but that evening 150 of them took their food as usual and on the following day all the prisoners took their food. On the 1st of January six prisoners said that they would go on hunger-strike on the ground of this alleged religious grievance. After a few days two of them took their food leaving four on hunger-strike. I think the next day one other prisoner took his food leaving three. One of the three has since been released on the expiry of his sentence and there remain two only who are on hunger-strike on that account.

Maulvi ABDUS SAMAD: May I point out that only two went on hunger-strike for religious grievance but two on the ground of ill-treatment.

Mr. R. H. HUTCHINGS: I can only give the member information at my disposal. Now, Government heard of this and they inquired of the Superintendent as to what the facts were. The Superintendent said that he has absolutely no knowledge nor had it been reported to him that any such image was there in existence inside the jail. As he

had recently gone there we made inquiries from his predecessor and he also said that he knew nothing of the installation of any such image inside the Berhampore Jail, but that he had on one occasion allowed an upcountry prisoner to perform the Puja of the Goddess Lakshmi about the Kali Puja time. However, we instructed the Superintendent to explain to the prisoners that idols cannot be installed inside the jail as it is forbidden to do so under the Code. He did so but without any effect. He then reported to us that one of the two prisoners told him that if Government permitted a stone to be brought into the jail and to be worshipped for 24 hours and then removed with proper respect —that would satisfy their grievance. We thought that it was possible that some persons might have been worshipping a stone in private and although we knew nothing of its removal—and the jail staff did not remove it—we instructed the Superintendent that he might allow an image to be introduced into the jail for one day to be worshipped and then removed in order that any possible grievance might be removed. But the prisoners entirely refused to have anything to do with the proposal. On the 3rd February Mr. Padmaraj Jain, who may be known to the members of this House, came to the Hon'ble Member in charge of the Jail Department and asked whether he might go there and get these prisoners to adopt a more reasonable attitude. That permission was gladly granted to him and he went down to visit the jail on the 2nd of this month. One of the two prisoners entirely refused to hear anything that he had to say, and did not discuss the matter with him at all. The other prisoner, I am informed, was an illiterate person from upcountry. After some discussion lasting, I am told, for more than an hour, the prisoner said that if he was allowed to have a small stone in his pocket for worship, that would satisfy him and he would have no further ground for complaint. That, Sir, is the truth about the hunger-strike and the House will now see whether the Hon'ble Member-in-charge or the Government have adopted an unreasonable or an uncompromising attitude towards the prisoners.

There is another prisoner named Harendra Nath Ghose who is on hunger-strike and his grievance as reported by Mr. Padmaraj Jain is that he wants the political prisoners, as he calls them, to have some distinguishing mark on their uniform—some sort of stripe or badge—which would enable them to be distinguished from ordinary convicts classified in the third division. I may mention to the House that a request of that nature is surely not one for which a prisoner should go on hunger-strike. I am not aware that this prisoner has made any request to the superior jail authorities to be allowed to have the use of a distinctive badge. Certainly no such request has reached the Local Government. Nor has any non-official visitor of that jail reported any such request for our consideration. He has the power to petition the jail authorities through the Superintendent. There is also the Jail

Standing Committee consisting of members of this House and if any such request were made, the members of this Committee or of this House might have brought it up for the consideration of Government. But where a person before making the request has made this the cause of hunger-strike, then I think the House will agree that his attitude is unreasonable.

4 p.m.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: May I rise on a point of personal explanation? I am one of the non-official visitors of the Berhampore Jail. There is a rule that non-official visitors should not be allowed to visit the jail on any day he likes. The jail authorities have always a set programme for visitors to visit the jail.

Mr. PRESIDENT: The point is whether you are personally affected by any remarks made by Mr. Hutchings; otherwise you are not entitled to say anything by way of personal explanation.

Mr. R. H. HUTCHINGS: Another story of the Berhampore Jail is that of merciless and unreasonable assaults on political prisoners who were accused of being in possession of bombs. Such a thing is neither true nor reasonable. What actually happened was that a packet of some sort, the nature of which we do not know, was thrown from outside the jail into the jail. This I say is not an uncommon thing in jails—sometimes some *biris*, tobacco, *charas* and so on are thrown from outside and there are warders and convict officers who are night watchmen whose duty it is to watch for these things coming over the walls. On this occasion it was detected and the parcel as soon as it fell to the ground was taken up by certain division III prisoners. The warders at once challenged them and told them not to pick it up but when the prisoners were dispersed into the wards no trace of it could be found. The warder finding himself obstructed by the prisoners and unable to follow up the packet in order to recover it, sounded his whistle and asked for the assistance of other warders. These warders when they tried to enter the wards in order to search for the packet were met by solid passive resistance which they had to overcome by putting the prisoners aside in order to gain access to the wards. This they did and I do not consider that was an unreasonable or unjustifiable use of force. As a matter of fact I think only two prisoners—I speak subject to correction—received any injuries and these not serious. I do not wish to take up the time of the Council by going more deeply into the various allegations about the Berhampore Jail; all I wish is to convince the House that there is something to be said on our side also and that

we are not unreasonable when a complaint is brought to us in a proper and reasonable manner. As many members of this House know from their personal experience when they approached the Hon'ble Member or the officers subordinate to him they have never failed to get at any rate a reasonable hearing and very often an inquiry into the allegations that they have made. I must, however, refer to one very serious allegation made by one member that a Muhammadan had been assaulted while in the religious exercise of reading the Koran. That is an incident which formed the subject of a question and an answer given on the floor of the House in the last session, and with your permission, Sir, I would like to read it for the information of the House and in order to refresh the memories of the members. The reply then given was:

[*Here the member reached his time-limit but was allowed to proceed with his speech.*]

This was the answer to a question put by Maulvi Syed Jalaluddin Hashemy, and the reply given was this:

"On the morning of 17th June, 1930, a number of prisoners, excited by the appearance of a procession outside the jail, became turbulent and refused to be locked up when the 'Alarm' was sounded, with the result that force had to be used, and was correctly used, to lock them up. Among these prisoners was Abdul Aziz who subsequently complained that he had received injuries for which reason he was removed to hospital for observation. On the 19th June this prisoner complained to a non-official visitor who visited him in hospital that he had received injuries due to being beaten by some warders. The non-official visitor reported that he examined the prisoner for injuries but 'could not find anything in particular except in one place.' The medical officer in charge of the jail reported that the prisoner had no marks of injury on him and that his temperature, pulse and respiration were normal.

As regards the allegation that his Koran was thrown away, the prisoner was visited by two Muhammadan non-official visitors, on June 19th by Maulvi Kaji Saifuddin and on July 5th by the member who is asking this question. The non-official visitor who saw him on the 19th of June records that the prisoner complained that he received his injuries while reading the 'Punjsura.' The non-official visitor, the member asking this question, who visited him on the 5th of July, 1930, is the first to record a complaint from the prisoner that in the course of the struggle at the doors of the ward his 'Punjsura' was thrown away. The complaint is denied by the jail staff and has not been substantiated.

One non-official visitor suggested in an inspection report that immediate inquiry be made into the allegations and a fortnight later another non-official visitor, the member himself, suggested an inquiry

by a mixed commission of officials and non-officials. The facts having been already ascertained and reported by the District Magistrate and the Superintendent of the Jail no further inquiry was considered necessary."

The Hon'ble Sir PROVASH CHUNDER MITTER: It is rather difficult for me to answer the charge that are so wide, so vague, and I regret to observe, but I mean no offence, irrelevant.

Mr. PRESIDENT: Order, order. I permitted Mr. Chatterjee to go on with his speech as he could very well say, if that was his opinion, that the jails were not only not properly managed but were also not being used for the purpose for which the Council had voted money for their creation or maintenance. In any case, it does not lie with Sir Provash to characterise what a member might have said with the permission of the chair as "irrelevant." By doing so he improperly arrogated to himself the power which rightfully belongs to me.

The Hon'ble Sir PROVASH CHUNDER MITTER: I bow to your ruling, Sir. I was going to suggest when you intervened that those remarks were made with a view to create a prejudice against me and I was just going to explain that perhaps those remarks were allowed to be made under the impression that they were meant to lead on to something relevant. I never for a moment questioned your authority, Sir.

Mr. PRESIDENT: That is all right. You may now come to the subject matter of the debate.

The Hon'ble Sir PROVASH CHUNDER MITTER: My difficulty is that, many of the allegations made not being within my personal cognisance, it is not possible for me to deal with them properly. It has been suggested by Mr. Chatterjee and some other friends that Government as a whole are responsible for this state of things. Even assuming that Government as a whole are responsible each Member of Government can only deal with a matter which is within his own knowledge. Therefore I think the House will forgive me if I do not attempt to deal with matters of which I have no personal knowledge, but that does not mean that an Hon'ble Member of Government, whoever he may be, will not deal with such questions when they are raised on a more suitable occasion than this

Now, Sir, before I deal with some specific allegations I desire to place before the House a general picture of the position. The House will remember that a large number of my countrymen made up their minds to break laws; into the motives of those gentlemen it is not for

us to inquire, but everybody must agree with me, and everybody knows, that a large number of men and women moved by what they conceived to be patriotic fervour decided to break laws. The result was a sudden influx into the jail population. Now, it is the duty of the Jail Department to do its best with regard to the jail population and I can say that that Department has not shirked its duty. Those members of this House who were in the public life of this province in the non-co-operation days of 1921-22 will remember that in those days the large influx to jail population was accommodated in the store house in Kidderpore known as marine sheds. I visited the temporary jail once on that occasion and I found that there were shelves one above another and the prisoners had to sleep in these shelves and in some cases two men were placed in one shelf where there was hardly accommodation for only one. I am not blaming the jail authorities of those days, for they had to accommodate the sudden influx with little notice. But on the present occasion, Government—I am especially referring to Government—for it is only by accident that I am to-day in charge of the Jails Department—Government, at once took care to do as much as they could to provide additional accommodation, so that we have provided additional accommodation for about 7,000 men—I am speaking from memory and may be slightly inaccurate. But I find from the figure which has been supplied to me just now that the number was 13,000 before the movement started last year and we have now accommodation for about 20,000.

With regard to the suspicion of Dr. Naresh Chandra Sen Gupta that the police made *lathi* charges to prevent further influx into jails, I can assure the House and Dr. Sen Gupta that we can even now provide for 2,000 more———

Dr. NARESH CHANDRA SEN GUPTA: Huddled together like cats and dogs?

The Hon'ble Sir PROVASH CHUNDER MITTER: I wonder, Sir, if that is a Parliamentary expression. But, however that may be, we may differ in our respective ideas of what is human and what is inhuman treatment. I maintain that the health figures show that the prisoners are properly housed. The Jail Code contains rules about space to be allotted to each prisoner and they are certainly not huddled together like cats and dogs.

4-15 p.m.

I would remind the House that the Jail Code is a code in which there must be a certain amount of uniformity for the whole of India. I would remind the House that the Jail Code was modified and amended,

at the instance of the Government of India, and the provision of the Jail Code relating to the classification of prisoners is based on the orders of Government of India over which our Government has no power of modification. Whether the Jail Code is a perfect Code, and whether it can with advantage be changed or not, is a matter with which I am not concerned at the present moment. Any Member of Government in charge of Jails has no option but to administer according to the Jail Code, and members will remember that when there are about 20,000 prisoners in Bengal, not to speak of prisoners in other provinces, unless there is a proper Jail Code with definite rules, it is not possible to administer jails. Now, therefore, that being the position, we have to administer the jails according to the Jail Code, and we cannot deal with individual cases by deviating from the provisions of the Jail Code.

As regards the allegations made that in certain cases where the Magistrates suggested a certain classification but Government changed the classification the position is this. The Magistrates make certain recommendations on the materials before them but when it comes before the Government in the Jails Department, we have to get some sort of uniformity with the result that in some cases we have to reconsider the recommendation and the prisoners are either promoted from a lower to higher class, or reduced from higher to a lower class.

As regards the case mentioned by Babu Satish Chandra Ray Chowdhury, although I am not aware of that case, but I have no hesitation in saying that the gomasta in the case mentioned by him must have given definite facts which led to his being placed in class II; otherwise he would certainly have been put in class III. The zamindar perhaps did not appeal or place any materials for he was to blame if he did not get class II or class I. I was absent for about four months, but before I left I was approached on many occasions by friends of the prisoners, and I had told these friends that if the prisoners would make an application, the matter would certainly be looked into, but the prisoners often told their friends that they would refuse to apply on the ground of status. The prisoners often deliberately said "we, as political prisoners, claim to be classified in class I." They would not give us any particulars as to their status or position.

Babu SATISH CHANDRA RAY CHOWDHURY: On a point of order, Sir, I may say for the information of the Hon'ble Member that as a matter of fact an application was made by the gomastas of the prisoner.

The Hon'ble Sir PROVASH CHUNDER MITTER: I do not recollect the case, but I would like to have more details.

Mr. SYAMAPROSAD MOOKERJEE: What details did the gomastas give?

The Hon'ble Sir PROVASH CHUNDER MITTER: I cannot recollect—I do not wish to be humorous, but I cannot possibly carry materials relating to about 5,000 prisoners in my head, but I may tell you that in about 80 per cent. of the cases the prisoners would not apply giving specific particulars of their status. If they would apply giving particulars I can assure you that the Jails Department would deal with the matter very carefully.

Now, as regards classification, when we have to deal with a large number of prisoners and when those prisoners come in large numbers from different courts, difficulties naturally arise. One Magistrate is perhaps too lenient; another Magistrate is too strict; we do the best we can under these circumstances. Anomalies must occur, particularly when we are dealing with a large number of prisoners who are anything but helpful. Well, I am willing to admit that the Jails Department is not infallible, I am willing to admit that there may have been a number of cases, indeed a fair number of cases, where a particular prisoner, if proper materials are forthcoming, could have been placed in class I or class II but was placed in class III because of want of proper materials. I make bold to say that there is not a single case which has come to my notice or to the notice of my predecessor, or to that of the Deputy Secretary, in which there was a definite and specific material that was not noticed. But, however, be that as it may, I would appeal to the members to realise the effect of their action. Indeed, if they insist on this cut, what will be the effect? I cannot say offhand up to what extent the new service or services will be curtailed, but if the service or services be curtailed the result might be less accommodation, less comfort for the jail prisoner and more overcrowding. I would place this before the members of the Council so that they will know what the result will be. Do not be led away by passions and prejudices and general arguments. (A VOICE: There will be less convictions.) But let them not blame Government later on if as a result of this cut the effect be exactly contrary to what they desire. Now, Sir, the Jails Department has to discharge their duties under difficult circumstances and I would like to mention one point. The respected head of the Jails Department, Colonel Simpson, was an officer who carried his difficult duty with all sympathy for the prisoners and there are many jail visitors who would testify to this. My friend Mr. J. L. Bannerjee, who has perhaps more experience of jails than anyone else here—(A VOICE: Not more than me)—I draw the line there, would have, I believe, borne testimony to the late Colonel Simpson's sympathetic attitude in the discharge of his difficult duties. As a result of irresponsible criticisms a valuable officer like Colonel

Simpson lost his life at the hands of assassins. His unfortunate death shows that the officers of the Jails Department have to discharge their duties under most difficult circumstances.

Babu SATISH CHANDRA RAY CHOWHDURY: On a point of order, Sir. Is the Hon'ble Member entitled to refer to an incident which we all regret and which has nothing to do with the present question?

Mr. PRESIDENT: I do not see that there is any harm in that.

The Hon'ble Sir PROVASH CHUNDER MITTER: Anyone who has to administer the Jails Department or the Police Department, has to perform many unpleasant duties. Racial considerations should not weigh, but I can assure many of my critics opposite that we have to discharge our duties, however unpleasant, and we have to discharge them with courage, coupled with humanity.

With regard to certain allegations about the Dum Dum Jail and other new jails, I would remind the House that at a very short notice we had to provide for thousands of prisoners, and it is not unnatural that the accommodation is not so suitable as that in the old established jails. [*At this stage the Hon'ble Member reached his time-limit and was allowed two minutes more to conclude his speech.*] We did start camp jails which might have been unsuitable in summer and rains. Every new jail had a pucca roof and was certainly better than camp jails. We did the best that we could. So if you cut this demand, then the responsibility for the care of the prisoners will be yours and not ours.

The motion that a token sum of Re. 1 be granted for expenditure under the head "25.—Jails and convict settlements" during 1930-31 on account of new jails and sub-jails in Bengal was then put.

4-30 p.m.

After the division bell ceased ringing, the Hon'ble the President put the question again before the House.

Kumar SHIB SHEKHARESWAR RAY: On a point of order, Sir. What is the object of putting the question again before the House?

Mr. PRESIDENT: This is in accordance with the new procedure.

Kumar SHIB SHEKHARESWAR RAY: I beg your pardon, Sir.

A division was then taken with the following result:—

AYES.

Bakeh, Maulvi Shaik Rahim.
Bal, Babu Lalit Kumar.
Bal, Mr. Sarat Chandra.
Basir Uddin, Maulvi Mohammed.
Blandy, Mr. E. N.
Burn, Mr. H. N.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Chaudhuri, Maulvi Syed Osman Haider.
Chowdhury, Haji Badi Ahmed.
Clark, Mr. I. A.
Cohen, Mr. D. J.
Coppinger, Major-General W. V.
Cooper, Mr. C. B.
Dain, Mr. G. R.
Dash, Mr. A. J.
Eassen, Mr. G. A.
Farequi, the Hon'ble Khan Bahadur K. G. M.
Fawcus, Mr. L. R.
Gangali, Rai Bahadur Susil Kumar.
Ghose, Rai Bahadur Sasanka Comar.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Gilchrist, Mr. R. N.
Gordon, Mr. A. D.
Guha, Mr. P. N.
Gurner, Mr. C. W.
Haque, Khan Bahadur Maulvi Azizul.
Hosain, Nawab Musharruf, Khan Bahadur.
Hussain, Maulvi Latafat.
Hutchings, Mr. R. H.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Mr. Razaur Rahman.
Luke, Mr. H. R.
Marr, the Hon'ble Mr. A.
Mitter, the Hon'ble Sir Provash Chunder.
Mullick, Mr. Mukunda Behary.
Nag, Mr. K. C.
Nag, Reverend B. A.
Nazimuddin, the Hon'ble Mr. Khwaja.
Norton, Mr. H. R.
Ormond, Mr. S. C.
Philpot, Mr. H. C. V.
Prentice, the Hon'ble Mr. W. D. R.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur-
Reid, Mr. R. N.
Roy, the Hon'ble Mr. Bijay Prasad Singh.
Sadatullah, Maulvi Muhammad.
Sarkar, Sir Jadunath.
Sarker, Rai Sahib Rebati Mohan.
Smith, Mr. R.
Sulaiman, Maulvi Muhammad.
Stapleton, Mr. H. E.
Sumner, Mr. C. R.
Thompson, Mr. W. H.
Travers, Mr. W. L.

NOES.

Ali, Maulvi Hassan.
Bakeh, Maulvi Syed Majid.
Banarji, Rai Bahadur Keshab Chandra.
Banerji, Mr. P.
Basu, Babu Jatindra Nath.
Basu, Mr. Narendra Kumar.
Bose, Mr. S. M.
Burai, Babu Gokul Chand.
Chatterjee, Mr. B. C.
Chaudhuri, Babu Kisheri Mohan.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Choudhury, Maulvi Nural Absar.
Chowdhury, Maulvi Abdul Chani.
Das, Babu Satyendra Kumar.
Das, Rai Bahadur Kamini Kumar.
Dutt, Rai Bahadur Dr. Haridhan.
Gusarji, Maulvi Nur Rahman Khan.
Faziullah, Maulvi Muhammad.
Guha, Babu Profulla Kumar.
Gupta, Mr. J. N.
Hakim, Maulvi Abdul.
Hashemy, Maulvi Syed Jalaluddin.
Hoque, Kazi Emdadul.
Hossain, Maulvi Muhammad.
Huq, Khan Sahib Maulvi Bazlul.
Karim, Maulvi Abdul.
Khan, Maulvi Tamizuddin.
Lal Muhammad, Haji.
Law, Mr. Surendra Nath.
Maiti, Mr. R.
Mittra, Babu Sarat Chandra.
Mookerjee, Mr. Syamaprasad.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Nag, Babu Suk Lal.
Poddar, Mr. Ananda Mohan.
Poddar, Seth Hunuman Prasad.
Rahman, Maulvi Azizur.
Roikat, Mr. Prosanna Deb.
Rai Mahasai, Munindra Deb.
Ray, Babu Hagendra Narayan.
Ray, Kumar Shib Shekhareswar.
Ray, Maharaja Jagadish Nath, of Dinajpur.
Ray, Mr. Shanti Shekhareswar.
Ray Chowdhury, Babu Satish Chandra.
Rout, Babu Hosini.
Ray, Babu Haribansa.
Ray, Babu Satyendra Nath.
Roy, Mr. Saileswar Singh.
Roy, Mr. Sarat Kumar.
Roy Choudhuri, Babu Hem Chandra.
Sahana, Babu Satya Kinkar.
Samad, Maulvi Abdus.
Sen, Rai Sahib Akshey Kumar.
Shah, Maulvi Abdul Hamid.
Singh, Srijut Taj Bahadur.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.

The Ayes being 55 and the Noes 56, the motion was lost.

41.—Civil Works.

The Hon'ble Khan Bahadur K. G. M. FAROQUI: Sir, on the recommendation of His Excellency the Governor, I beg to move that an increased expenditure of Rs. 6,65,951, inclusive of Rs. 1,91,000, covered by a token grant voted by the Council in the session of August, 1930, under "41.—Civil Works—Provincial" in 1930 on making additional special jails in Bengal, be approved by means of a token grant of Rs. 1.

Sir, the memorandum already circulated explains the reasons for bringing forward this motion.

The motion was put and agreed to.

LEGISLATIVE BUSINESS.

Government Bills.

The Bengal State Aid to Industries Bill, 1930.

The Hon'ble Khan Bahadur K. G. M. FAROQUI: Sir, I beg to present the report of the Select Committee on the Bengal State Aid to Industries Bill, 1930, copies of which have been circulated to hon'ble members. Certain members have complained to me that they have not yet had time to examine the Bill as it has emerged from the Select Committee. In the circumstances, I do not move at this stage that further consideration of the Bill be taken up.

The Bengal Embankment (Amendment) Bill, 1931.

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: Sir, I beg to introduce a Bill further to amend the Bengal Embankment Act, 1881.

The Secretary then read the short title of the Bill.

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: Sir, I beg to move that the Bengal Embankment (Amendment) Bill, 1931, be taken into consideration. It is a very short Bill and a very simple one. It merely seeks to do two things. One is to include "berm" in the definition of embankment. A "berm" is important, because it prevents leakage in flood-time and possible breaches. The whole safety of an embankment may be dependent on the efficient maintenance of the

"berms." They not only prevent flood-water scouring the toe of the embankment proper but also diminish the amount of percolation by decreasing the hydraulic gradient of the water. Now, owing to the defect in the Act, we are unable to prevent encroachments both by the building of houses close to the toes of the embankment and also by the undermining of the toes by cultivators in their attempts to increase their cultivation by a few square feet. The word "berm" has been inadvertently omitted from section 3 of the Act under the definition of embankment, and the result has been that cases of damage done to "berms" brought to a court of law are invariably dismissed because of the omission of the word "berm" in section 3 of the Act. It is, therefore, necessary to include it. This is a very simple matter, and it needs no argument.

The other relates to the second part of section 61 of the Act, and here the object is simply to make plain what the original intention was. If Government pay for the execution of a work, the cost of which is to be realised from the persons benefited, Government do not charge interest from the date of expenditure, but from the date of apportionment. Thus, Government forego the interest for a period which may, in some cases, be considerable. When, however, the amount payable by particular persons has been apportioned, what happens is this. Government say the amount payable by you is so much. Of course, you can pay the whole amount immediately if you like without interest, but we do not compel you to do this. You are allowed easy instalments and it is only fair that if you avail yourself of this concession you should pay interest on the amount due less what you have paid. This is only fair and just. These are the only two objects of the Bill which is a simple measure and I do not wish to add anything further.

4-45 p.m.

The following motions were called but not moved:—

Maulvi ABDUL HAMID SHAH to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon before the 30th July, 1931.

Maulvi ABDUL HAKIM to move, by way of amendment, that the Bill be referred to a Select Committee consisting of—

(*1*) The Hon'ble Member in charge of the Irrigation Department,

(*2*) Mr. H. J. Twynam,

(*3*) Babu Jitendralal Bannerjee,

(*4*) Dr. Naresh Chandra Sen Gupta,

(*5*) Maulvi Abdul Hamid Shah,

(6) Maulvi Tamizuddin Khan,

(7) Maulvi Abdus Samad,

(8) Khan Bahadur Maulvi Azizul Haque, and

(9) the mover,

with instructions to submit their report before the next session of the Bengal Legislative Council and that the number of members whose presence shall be necessary to constitute a quorum shall be five

The motion that the Bengal Embankment (Amendment) Bill, 1931, be taken into consideration was put and agreed to.

The following motion was called but not moved:—

Clause 4.

Maulvi ABDUL HAMID SHAH to move that in clause 4, in the proposed section 61A, for the word "five" in both places where it occurs the word "three" shall be substituted.

The Hon'ble Alhadj Sir ABDELKERIM GHUZNAVI: I beg to move that the Bengal Embankment (Amendment) Bill, 1931, be passed.

The motion was put and agreed to.

The Bengal Mining Settlements (Amendment) Bill, 1931.

The Hon'ble Mr. BIJOY PROSAD SINGH ROY: Sir, I beg to introduce a Bill to amend the Bengal Mining Settlements Act, 1912.

The Secretary read the short title of the Bill.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I move that this Bill be referred to a Select Committee consisting of—

(1) Mr. I. A. Clark;

(2) Maharaja Sris Chandra Nandy, of Kasimbazar;

(3) Mr. Sarat Kumar Roy;

(4) Maulvi Abul Kasem;

(5) Mr. A. F. M. Abdur Rahman;

(6) Mr. C. W. Gurner, I.C.S., and

(7) myself;

with instruction to submit the report as soon as possible and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

In introducing the Bengal Mining Settlements (Amendment) Bill, as it now stands, I need make very few introductory remarks. It has been recognised for a long while that the Bengal Mining Settlements Act constituting the Asansol Mines Board of Health is out of date in many respects. We are in fact some way behind the sister settlements of Dhanbad in the development of our public health organisation for the mines area.

Government have in fact prepared a somewhat elaborate Bill with the object of placing the Asansol Mines Board of Health on much the same footing as they are helping the authority for the Dhanbad Mining area. Various reasons, however, have contributed to retard progress with this Bill. On the one hand, now that the boom in coal is a thing of the past, and we are passing through a period of depression, naturally some hesitation is felt in introducing a measure of radical reform which would very possibly increase the levy made on the coal industry for the purpose of public health in the mines area. No doubt any such increase in the long run would prove remunerative, but for the present it is hardly a moment to incur it. Another reason for keeping back the larger measure we had contemplated is that the Royal Commission on Labour is expected to submit its report during the present year and its recommendations made quite possibly involve a general revision of the proposals previously contemplated.

We have decided, therefore, to legislate only for two small reforms, neither of which will create any additional burden, and which may be expected to remain features of the Mines Board of Health Authority under any subsequent revision. In the first place, we propose to confer on the Mines Board of Health a power possessed by other local authorities to make by-laws for the purpose of carrying out the intentions of the Act in the area under its jurisdiction. At present rule-making powers are invested only with Government, and, though the by-laws made by the Health Department will require the approval of Government, this power will mark a definite step forward in the independent character of the Board of Health. On the other hand, the requisition of Government sanction to such by-laws, will, of course, ensure that there is no conflict with those made by the District Board.

The second object of the present Bill is to make a small change in regard to liability for a contribution towards the costs of the Boards which experience has shown to be necessary. This is to attach the liability for proportionate contribution, to the mine and not to the person or company owning the mine. The Asansol Mines Board of Health has, in recent years, lost considerable sums through changes in ownership with which they were unable to keep up. The result has been that a demand has been made on persons who are no longer the

owners of the mines; and the mine has thereby escaped the proportionate levy due from it towards the maintenance of public health in the mines area. The effect of the change now contemplated is not in any way to increase the burden on the industry. On the contrary, by ensuring that each mine pays its proportionate contribution, notwithstanding change of ownership, it will avoid the inequitable result of the present defect in the Act by which other mines have to make good the deficiency in realisations though one particular mine escaping payment of its contribution by reason of change of ownership.

I trust that I have made clear the principles of this comparatively simple measure and that the House will accept my proposal for reference to a Select Committee.

Maulvi SYED JALALUDDIN HASHEMY: Sir, I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon before the 30th March, 1931.

Sir, this is a very important matter and I do not think we have had sufficient time to study the amendments proposed by the Hon'ble Minister, and I think it will be convenient both to the members of the House and others concerned if sufficient time is given to consider the matter. That is the reason for moving my motion and I think that by the 31st of March we shall be able to consider the pros and cons more sufficiently than we shall be able to do to-day. With these words I commend my motion to the acceptance of the House.

The motion was put and lost.

The following motions were called but not moved:—

Mr. P. BANERJI to move that after the name of "Mr. A. F. M. Abdur Rahman" the following names be inserted, namely:—

(*1*) Babu Jitendralal Bannerjee;

(*2*) Raja Bhupendra Narayan Sinha Bahadur, of Nashipur;

(*3*) Mr. Mukunda Behari Mullick;

(*4*) Babu Jatindra Nath Basu;

(*5*) Mr. P. Banerji; and

(*6*) Maulvi Syed Jalaluddin Hashemy.

Haji BADI AHMED CHOWDHURY to move that after the name of "Mr. A. F. M. Abdur Rahman" the following names be inserted, namely:—

(*1*) Maulvi Nural Absar Choudhury;

(*2*) Rai Kamini Kumar Das Bahadur;

(*3*) Mr. B. C. Chatterjee;

(*4*) Haji Badi Ahmed Chowdhury.

Maulvi ABDUL HAMID SHAH to move that after the name of "Mr. A. F. M. Abdur Rahman" the following names be inserted, namely:—

(*1*) Maulvi Abdul Hamid Shah;

(*2*) Maulvi Abdul Hakim; and

(*3*) Mr. Sarat Chandra Bal.

Maulvi TAMIZUDDIN KHAN to move that after the name of "Mr. A. F. M. Abdur Rahman" the following names be inserted, namely:—

(*1*) Khan Bahadur Maulvi Alimuzzaman Chowdhury, and

(*2*) Khan Bahadur Maulvi Azizul Hoque.

Maulvi ABDUL HAKIM to move that—

(*a*) after the name of "Mr. A. F. M. Abdur Rahman" the following names be inserted, namely:—

(*1*) Maulvi Abdul Karim;

(*2*) Maulvi Abdul Hakim; and

(*b*) for the words "as soon as possible" the words "before the next session of the Bengal Legislative Council", be substituted.

The following motion was then put and agreed to:—

"That the Bengal Mining Settlements (Amendment) Bill, 1931, be referred to a Select Committee consisting of the Hon'ble Mr. Bijoy Prasad Singh Roy, Mr. C. W. Gurner, I.C.S., Mr. I. A. Clark, Maharaja Sris Chandra Nandy, of Kasimbazar, Mr. Sarat Kumar Roy, Maulvi Abul Kasem, and Mr. A. F. M. Abdur Rahman, with instructions to submit their report as soon as possible and that the number of members whose presence shall be necessary to constitute a quorum shall be five."

The Calcutta Improvement (Amendment) Bill, 1931.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I beg to introduce a Bill further to amend the Calcutta Improvement Act, 1931.

The Secretary then read the short title of the Bill.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I beg to move that the said Bill be referred to a Select Committee consisting of—

(1) Mr. J. A. L. Swan, C.I.E., I.C.S.;

(2) Mr. C. W. Gurner, I.C.S.;

(3) Mr. W. H. Thompson;

(4) Rai Badridas Goenka Bahadur, C.I.E.;

(5) Mr. S. M. Bose;

(6) Mr. A. Raheem C.I.E.;

(7) Mr. H. S. Suhrawardy;

(8) Mr. Syamaprosad Mookerjee;

(9) Rai Bahadur Dr. Haridhan Dutt, and

(10) myself;

with instructions to submit the report as soon as possible and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

With your permission, Sir, I would like to add the following names, *viz.*, Maulvi Abdul Karim, Mr. B. C. Chatterjee, Maulvi Abdul Hakim and Seth Hunuman Prosad Poddar.

Mr. B. C. CHATTERJEE: I regret that I shall not be able to serve on the committee.

Mr. PRESIDENT: The Hon'ble Minister ought to have obtained his consent beforehand.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I thought that I had got his consent. I will, however, delete his name.

Sir, in commending this motion to the acceptance of the House I do not think it is necessary for me to dilate on the utility of this measure and the usefulness of the body constituted under the Calcutta Improvement Act. Great achievements are in its credit—arterial roads connecting one end of the city with the other, such as Central Avenue and Manicktolla Spur, beautiful open spaces with extensive green in the heart of the most congested and closely built up areas of the town and charming lake, where the citizens can enjoy cool evening breeze after the day's work, are the handiworks of the Calcutta Improvement Trust. Development of Bhowanipur, Paikpara and other outskirts of the city, which have been converted into ideal residential quarters, are some of their finest achievements of which any country and any institution would be proud. But there is one part of

the city where no big improvement scheme could be undertaken, namely, Barabazar, though the improvement of this area was one of the primary objects which led to the creation of the Trust to remove some of the plague spots in the city. Experience of the last few years has shown that certain changes in the Act is necessary to give the Trust proper and legitimate facilities to take up improvement schemes in highly built up areas like Barabazar, and with that object in view this Bill has been drafted. It is a matter of gratification to me that whatever points may emerge in course of discussion I am taking over this measure from my predecessor in complete agreement with him on the general principle.

I shall attempt to describe quite generally, as an administrative measure, the underlying principle of this Bill and to explain the reasons which have induced Government to put before the Council a measure of considerable importance for the amendment of the Calcutta Improvement Act.

As the members of this House are aware, the usual result of the operations of the Calcutta Improvement Trust is an increase, very often a substantial increase, in the value of land and buildings within the area of its schemes. It is now a generally accepted principle that where an increase in value is effected by the expenditure of public funds, a portion of that increase should be secured to the public. This principle is embodied both in the Calcutta Improvement Act and in the Calcutta Municipal Act in the provisions relating to the exemption of land from acquisition. Any owner of property which will be benefited by a scheme, but which is not actually required for the execution of the scheme, may apply to the Trust or to the Corporation, as the case may be, that his land should be exempted from acquisition on payment of a betterment fee. In the Calcutta Municipal Act the fee is fixed at two-thirds of the increment in the value of the land which will accrue to that land as a result of the improvements effected. In the Calcutta Improvement Act there is no fixed proportion. The fee is left to the discretion of the Trust and is in practice settled by negotiation with the parties.

The provisions relating to exemption, however, only come into operation when the owner chooses to apply. When an application for exemption is not made, the Trust has to choose between letting the owner enjoy the improvements free of all charge and without making any payment to public funds or of acquiring the land under the Land Acquisition Act. Experience has shown that this system works inequitably in favour of the owners of large and valuable properties. The means of the Trust are limited. Where the choice lies between acquiring an expensive property or letting the owner enjoy the improvements effected at public expense, without making any contribution to

public funds, the Trust is from time to time forced to choose the second alternative owing to the fact that it cannot afford to lock up capital in the purchase of the property. The difficulty felt by the Trust was increased by the amendment of the Act in 1923. I may remind the House that up to that year the Trust acquired land and buildings at their market value. In 1923 the Act was amended and the Trust has now to pay the market value *plus* 15 per cent.

This difficulty will arise in an acute form in dealing with such a crowded and over-built area as Barabazar. The owners of large properties which are not actually required for the execution of the scheme need only refrain from applying for exemption and can rest secure in the knowledge that the Trust will not be able to face the cost of acquiring their properties. They will thus enjoy the improvements and the increment in the value of their properties free of charge, while the owners of smaller properties will have to contribute their share.

Faced with this difficulty the Trust in 1926 appointed a committee to consider how it could be overcome. That committee consisted of names which must, I think, command respect. It was composed of the following gentlemen:—

(*1*) Late Rai Bahadur Nalini Nath Sett;

(*2*) Rai Bahadur Ramdeo Chokhany;

(*3*) Raja Reshee Case Law;

(*4*) Mr. W. C. Banerjee;

(*5*) Mr. A. Cassells;

(*6*) Mr. J. H. deC. Ballardie;

(*7*) Rai Bahadur Badridas Goenka;

(*8*) Mr. Probhudoyal Himatsingka;

(*9*) Mr. A. de Bois Shrosbree; and

(*10*) the Chairman of the Trust.

Four of these gentlemen were not members of the Board of Trustees. Three of them, Rai Bahadur Badridas Goenka, Mr. Probhudoyal Himatsingka and the late Mr. Sett, were co-opted as representative property-owners of Barabazar and Mr. Shrosbree on account of his special qualifications.

The Bill now before the House gives effect to the recommendations which that committee made in its carefully thought-out report. It empowers the Board of Trustees in framing an improvement scheme to declare that certain properties will not be liable to acquisition but instead will be subject to the payment of a betterment fee. That fee will represent half the difference in the value of the land before the

scheme was taken up and its value after the scheme has been completed. In order that this may not press unduly on the owners of properties it is provided that instead of paying the amount in cash it may be left outstanding as a permanent charge on the properties on payment of interest at the rate of 6 per cent. per annum, the same rate at which interest is paid on exemption fees. It is not anticipated that there will be any difficulty in arriving at the amount of the betterment fee. The value of the land before the execution of the scheme will be easily fixed by the prices which the Land Acquisition Collector and the Tribunal have fixed for other lands in the same scheme. The value of lands after the improvements have been effected can be determined from the prices at which the Board is selling its surplus lands within the scheme. In case an agreement cannot be reached between the owner of the land and the Board it is provided that the question shall be referred to a Board of two arbitrators, one of whom shall be elected by the appellant and the other appointed by Government. A panel of arbitrators will be drawn up by Government consisting of two parts, of which one part will be composed of experts and the other of laymen.

The appellant may elect an arbitrator from either part and Government will then appoint the other arbitrator from the other part of the panel. In case these two arbitrators differ, provision is made for the appointment of a third member from the expert section of the panel. The three arbitrators will then sit together and decide the points at issue.

The method of arbitration will, I believe, reduce the delay and expenditure to a minimum. In adopting it we are following the procedure laid down in the English Housing and Town Planning Act of 1909, but in England a single arbitrator is appointed by the Local Government Board and his decision is final. We consider it advisable that there should be two arbitrators with power to refer any point on which they may differ to a third arbitrator. I do not think that it is necessary at this stage to discuss in detail the clauses of the Bill.

Repeal of section 14 of Schedule I of the Calcutta Improvement Act is also proposed to make section 49 of the Land Acquisition Act which governs all acquisitions in India, applicable also to lands acquired for the purposes of the Calcutta Improvement Act. Under section 14 the owner of a big garden can now contend that the whole of the land is necessary for the enjoyment and use of the house and the land should be considered part of the house. It makes part acquisition extremely difficult and the owners of big properties by abuse of this section can frustrate the endeavour of the Trust to proceed with their improvement schemes. The change in the law will only bring the matter under the provisions of the general law of land acquisition.

The following amendments were called but not moved:—

Mr. P. BANERJI to move that after the name of "Rai Dr. Haridhan Dutt Bahadur" the following names be inserted, namely:—

(*1*) Babu Jatindra Nath Basu;

(*2*) Babu Jitendralal Bannerjee;

(*3*) Mr. B. C. Chatterjee;

(*4*) Seth Hunuman Prosad Poddar;

(*5*) Kumar Shib Shekhareswar Ray;

(*6*) Munindra Deb Rai Mahasai; and

(*7*) Mr. P. Banerji.

Haji BADI AHMED CHOWDHURY to move that after the name of "Rai Dr. Haridhan Dutt Bahadur" the following names be inserted, namely:—

(*1*) Maulvi Nural Absar Choudhury;

(*2*) Rai Kamini Kumar Das Bahadur;

(*3*) Mr. B. C. Chatterjee; and

(*4*) Haji Badi Ahmed Chowdhury.

Maulvi ABDUL KARIM to move that after the name of "Rai Dr. Haridhan Dutt Bahadur" the following names be inserted, namely:—

(*1*) Mr. A. K. Fazl-ul Huq;

(*2*) Maulvi Abdul Karim; and

(*3*) Maulvi Abul Kasem.

Maulvi ABDUL HAMID SHAH to move that after the name of "Rai Dr. Haridhan Dutt Bahadur" the following names be inserted, namely:—

(*1*) Maulvi Abdul Hamid Shah; and

(*2*) Maulvi Abdul Hakim.

MUNINDRA DEB RAI MAHASAI to move that after the name of "Rai Dr. Haridhan Dutt Bahadur" the following names be inserted, namely:—

(*1*) Babu Jatindra Nath Basu; and

(*2*) Munindra Deb Rai Mahasai.

Maulvi TAMIZUDDIN KHAN to move that after the name of "Rai Dr. Haridhan Dutt Bahadur" the following name be inserted, namely:—

Maulvi Md. Saadatullah.

The following motion was then put and agreed to:—

"That the Calcutta Improvement (Amendment) Bill, 1931, be referred to a Select Committee consisting of the Hon'ble Mr. Bijoy Prasad Singh Roy, Mr. J. A. L. Swan, C.I.E., I.C.S., Mr. C. W. Gurner, I.C.S., Mr. W. H. Thompson, Rai Badridas Goenka Bahadur, C.I.E., Mr. S. M. Bose, Mr. A. Raheem, C.I.E., Mr. H. S. Suhrawardy, Mr. Syamaprosad Mookerjee, Rai Bahadur Dr. Haridhan Dutt, Maulvi Abdul Karim, Maulvi Abdul Hakim and Seth Hunuman Prosad Poddar, with instructions to submit their report as soon as possible and that the number of members whose presence shall be necessary to constitute a quorum shall be five."

Mr. PRESIDENT: This disposes of the Government business and I propose to take up non-official business to-morrow.

Adjournment.

The Council was then adjourned till 2-30 p.m., on Thursday, the 12th February, 1931, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Council House, Calcutta, on Thursday, the 12th February, 1931, at 2-30 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh), in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 115 nominated and elected members.

Starred Questions
(to which oral answers were given).

Recovery of settlement costs in Chittagong.

*55. **Rai Bahadur KAMINI KUMAR DAS:** (*a*) Is the Hon'ble Member in charge of the Revenue Department aware—

(*i*) that in Chittagong there are many petty estates and holdings; and

(*ii*) that there are many public demands against widows, orphans, minors and extremely poor persons for small amounts in connection with the recovery of costs for settlement operations?

(*b*) Is the Hon'ble Member also aware that there are excess recoveries of settlement costs in many other districts?

(*c*) If so, are the Government considering the desirability of taking steps to write off the petty demands referred to in (*a*) (*ii*) in connection with the settlement operations?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (*a*) (*i*) Yes.

(*ii*) As the assessment of survey and settlement cost is made on landlords, tenants and occupants of the lands surveyed and of which a record of rights is prepared, and as no statistics are prepared to show how many of these assessees are widows, orphans, minors and extremely poor persons, it is not possible to say if many of the assessees are persons of this kind.

(b) There have been some excess recoveries in some districts, but there will not be in Chittagong.

(c) Petty demands which are irrecoverable are always remitted under rule 416, Survey and Settlement Manual.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Member be pleased to state whether there is any bar to the excess amount available in one district being applied to another district?

The Hon'ble Sir PROVASH CHUNDER MITTER: I do not know whether the amount recovered in one district can be applied to another, but I will look into the matter.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to inform us whether there is any bar to remitting recoverable amounts as distinguished from irrecoverable amounts in case of hardship?

The Hon'ble Sir PROVASH CHUNDER MITTER: I do not see why recoverable amounts should be remitted.

Maulvi SYED MAJID BAKSH: In cases of hardship?

The Hon'ble Sir PROVASH CHUNDER MITTER: It is not possible to inquire into all these cases.

Maulvi SYED MAJID BAKSH: Is the hardship known to the Hon'ble Member?

The Hon'ble Sir PROVASH CHUNDER MITTER: Each case is taken on its merits.

Realisation of compensation from the tenants of khas mahal lands for cutting down trees.

*56. **Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur:** Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement showing the number of cases and the amount realised in the various districts of Bengal as compensation (in any shape) from the tenants of khas mahal lands for cutting down trees or towards the price of trees on their holdings after the amended Bengal Tenancy Act came in operation with effect from April, 1929?

The Hon'ble Sir PROVASH CHUNDER MITTER: Government are not aware of any such case and no orders were passed for realising any such compensation.

Labourers of the Bengal Government Press.

*57. **Maulvi LATAFAT HUSSAIN:** (*a*) Will the Hon'ble Member in charge of the Finance Department be pleased to state whether it is a fact that the labourers of the Bengal Government Press are skilled and trained labourers?

(*b*) Is it a fact that the galley-proof pressmen and labourers of the Bengal Government Press were on the same pay and status before 1917?

(*c*) Is it a fact that the galley-proof pressmen were placed on a superior pay and status to the labourers from 1917?

(*d*) If the answers to (*b*) and (*c*) are in the affirmative, will the Hon'ble Member be pleased to state the reasons therefor?

MEMBER in charge of FINANCE DEPARTMENT (the Hon'ble Mr. A. Marr): (*a*), (*b*) and (*c*) No.

(*d*) Does not arise.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to tell us why in the Bengal Government Press skilled and trained labourers are not employed?

The Hon'ble Mr. A. MARR: They are employed; the coolies are not skilled labourers.

Maulvi SYED MAJID BAKSH: The answer to the original question is "No." My question is "are skilled and trained labourers not employed?"

The Hon'ble Mr. A. MARR: If the member means "labourers" in the sense of "workmen," we have many skilled labourers.

Recruitment of police officers from the depressed classes.

*58. **Babu LALIT KUMAR BAL:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to lay on the table a statement showing for the last ten years the number of—

(*1*) sub-inspectors of police; and

(*2*) assistant sub-inspectors of police taken from the depressed classes?

(*b*) What are the essential qualifications necessary for such appointments?

(*c*) Is there any special consideration for the depressed class candidates for such appointments?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) A statement showing the number of sub-inspectors of police recruited from the depressed classes during the last ten years is placed below. Government have no record about similar recruitment of assistant sub-inspectors.

(*b*) In the Bengal Police force, the minimum educational qualification of a candidate for the post of sub-inspector or assistant sub-inspector is the matriculation standard or the Islamic matriculation of an Indian University or the final B or C class examination of a Zilla School or High School. In the case of Calcutta Police force the minimum educational qualification of a candidate for the post of sub-inspector is that he must be a graduate of one of the Indian Universities, and a candidate for the post of assistant sub-inspector must pass the I.A. or I.Sc. examination.

(*c*) Special consideration is given to the claims of the depressed classes when candidates are selected for appointment as sub-inspectors in Bengal Police force.

Statement referred to in the reply to clause (a) of starred question No. 58.

RECRUITMENT OF SUB-INSPECTORS FROM THE DEPRESSED CLASSES.

	Departmentally promoted.	Outsiders appointed.
1922	...	1
1923	...	...
1924	...	...
1925	1	...
1926	1	...
1927	...	1
1928	1	...
1929	1	...
1930	1	1
1931	...	2
Total	5	5

Closing of Civil Courts for Juma prayer on Fridays.

*59. **Maulvi MUHAMMAD HOSSAIN:** (*a*) Is the Hon'ble Member in charge of the Judicial Department aware that the non-closing of the civil courts for *Juma* prayer on Fridays causes hardship and inconvenience to the Moslem employees, lawyers and litigants?

(*b*) Will the Hon'ble Member be pleased to state the reasons why a distinction has been made in the Government circular between criminal and civil courts in closing the courts for *Juma* prayer?

(*c*) Is the Hon'ble Member aware that the litigant public and the pleaders of Bakarganj are not given any opportunity by the civil courts to say their *Juma* and *Zohur* prayers?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) No complaint has been received.

(*b*) Arrangements for the sitting of civil courts are within the discretion of the High Court.

(*c*) No.

Maulvi ABUL KASEM: With reference to answer (*c*) do I understand that the Hon'ble Member is not aware of the fact, or that the statement is not correct? The answer is "No." What does "No" refer to?

The Hon'ble Mr. W. D. R. PRENTICE: The answer "No" has been given after consultation with the District Judge, Bakarganj, who happened to be in Calcutta last week-end and told me that although he had recently received a deputation of Moslem gentlemen no mention was made of this grievance. The presumption therefore is that the statement is not correct.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member write to the High Court asking that facilities shall be given to the litigant public to say their *Juma* prayer?

The Hon'ble Mr. W. D. R. PRENTICE: That, Sir, is a request for action. May I ask for a ruling?

Mr. PRESIDENT: The object of a question may be to obtain information or press for action, but it depends upon the merits of a question as to whether a request for action should or should not be complied with, or if an answer should at all be given.

The Hon'ble Mr. W. D. R. PRENTICE: I shall look up the papers and see the discussions on the subject.

Maulvi ABUL KASEM: The question which I am going to put is both for information as well as a request for action. Is the Hon'ble Member aware that in 1916 the Government of Bengal gave an assurance to the Legislative Council that every facility would be given to those Moslems who are on business in public courts as well as Government officers, for saying their *Juma* prayers, and was not the same assurance given by the Hon'ble the Home Member to the Hon'ble Mr. Ghuznavi when he moved a similar motion in the Imperial Legislative Council?

The Hon'ble Mr. W. D. R. PRENTICE: If the member will give me the references I shall look them up.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member take any action in the matter?

(No reply.)

Maulvi ABUL KASEM: On a point of order, Sir. Are not the Members of Government with the Secretariat behind them expected to look into the previous history of all action taken by the Government?

Mr. PRESIDENT: That is not a point of order.

Maulvi ABUL KASEM: I ask for a ruling, Sir———

Mr. PRESIDENT: Order, order.

Issue of oil and soap to prisoners.

*80. **Babu SATISH CHANDRA RAY CHOWDHURY:** (*a*) Is the Hon'ble Member in charge of the Political (Jails) Department aware that the use of oil before bath is customary with Bengalis as much as the use of soap is with the Europeans and Anglo-Indians?

(*b*) Will the Hon'ble Member be pleased to state whether the European and Anglo-Indian prisoners as a rule are allowed the use of soap at bath?

(*c*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state why the use of oil is not allowed in jails to the Bengali prisoners generally, and to the better class in particular?

(*d*) Have the Government any statistics on the effect of the non-use of oil in regard to skin disease amongst prisoners in Bengal jails?

MEMBER in charge of POLITICAL (JAILS) DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (*a*) Some do and some do not use oil.

(*b*) This entirely depends on the division in which the prisoner is classified. All prisoners in divisions I and II are allowed the use of soap.

(*c*) The issue of oil as well as soap to prisoners in division I and division II does not appear to be necessary. The rules for prisoners in division III do not provide for the issue of oil to them normally, but it is supplied whenever necessary on medical grounds for inunction.

(*d*) No.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Member be pleased to state if it is a fact that oil is used almost universally amongst the better class of prisoners?

The Hon'ble Sir PROVASH CHUNDER MITTER: I believe it is used amongst many.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Member be pleased to state if the non-use of oil by prisoners is a positive discomfort?

The Hon'ble Sir PROVASH CHUNDER MITTER: May be, and I have decided to look into the matter and if possible try to allow oil.

Supply of meat to Muhammadan prisoners.

***61. Maulvi ABDUS SAMAD:** (*a*) Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state the number of—

(*1*) Muhammadan,

(*2*) non-Muhammadan

prisoners kept in the Hooghly Jail?

(*b*) Is it a fact that in October last the Muhammadan prisoners of the said jail were supplied with meat of animals not slaughtered in accordance with Muslim custom?

(*c*) Is it a fact that there was some trouble in the jail as the prisoners objected to eat the meat?

(d) If the answer to (b) is in the affirmative, will the Hon'ble Member be pleased to state—

(i) who was responsible for the supply of such objectionable meat;

(ii) what steps, if any, have been taken to prevent the recurrence of such incidents; and

(iii) what arrangement, if any, has since been made to supply meat of properly slaughtered animals to the Muhammadan prisoners?

The Hon'ble Sir PROVASH CHUNDER MITTER: (a) (1) 120, (2) 225 on 22nd January, 1931.

(b) It has been ascertained that on one day the meat supplied to Muhammadan prisoners had been purchased from a Hindu shop. There was no complaint by the prisoners, but on a member of the jail staff bringing the fact that an objection might be raised to the notice of the Jailer, arrangements were at once made and are still in force for the supply of meat slaughtered according to Muhammadan custom.

(c) No.

(d) (i) Arrangements for the supply of meat are made by contract under the supervision of the Superintendent and medical officer. On this particular day the Jailer ordered purchase from a shop as the contractor's rates were in excess of prevailing market rates.

(ii) and (iii) *Vide* (b) above.

Maulvi SYED MAJID BAKSH: Is the Hon'ble Member sure that the meat supplied generally is good?

The Hon'ble Sir PROVASH CHUNDER MITTER: I have nothing further to add to what I have already stated.

Classification of political prisoners.

***82. Maulvi SYED JALALUDDIN HASHEMY:** (a) With reference to the reply given to clause (a) of starred question No. 78, at the Council meeting held on the 18th August, 1930, will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state whether the number of political prisoners in different jails of Bengal has since increased or decreased?

(*b*) Will the Hon'ble Member be pleased to lay on the table a statement showing at present (30th January, 1931)—

(*i*) exact number of political prisoners in different jails of Bengal;

(*ii*) how many of them have been classified as—

(*1*) "A" class prisoners,

(*2*) "B" class prisoners, and

(*3*) "C" class prisoners,

showing the figures separately for each district of Bengal;

(*iii*) how many of them are males;

(*iv*) how many of them are females;

(*v*) how many of them are Hindus; and

(*vi*) how many of them are Mussalmans?

(*c*) Will the Hon'ble Member be pleased to state the procedure adopted in classifying the political prisoners?

(*d*) Who is the authority in making the final classification?

(*e*) Who is the authority to whom appeal should be made in case of grievances in classification?

(*f*) Is the Hon'ble Member aware of the fact that Kaviraj Khagendra Nath Sastri, an eminent respectable Kaviraj of Khulna, now in the Hijli Jail, has been classified as "C" class prisoner?

(*g*) Are the Government considering the desirability of reconsidering the case of Kaviraj Khagendra Nath Sastri regarding his classification as "C" class prisoner?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) and (*b*) A statement is laid on the table. The statistics asked for in (*b*) (*v*) and (*vi*) and the classification figures for each district are not available.

(*c*) The courts make the classification on such inquiry as is necessary to apply the criteria laid down in Jail Code Rule 625A.

(*d*) The court, subject to the confirmation of the local Government in cases where classification in division I or II is recommended.

(*e*) The prisoner should petition the local Government through the jail authorities.

(*f*) I have no information.

(*g*) No.

Statement referred to in the reply to clauses (a) and (b) of starred question No. 62 showing the number of civil disobedience prisoners on 20th January, 1931.

Jails.	Division I convicts (A class).		Division II convicts (B class).		Division III convicts (C class).	
	Male.	Female.	Male.	Female.	Male.	Female.
Western Bengal.						
BURDWAN DIVISION.						
1. Burdwan	..	..	..	..	7	..
2. Suri	..	..	..	..	21	..
3. Bankura Borstal Institution	..	..	..	..	..	..
4. Midnapore—*District and Central*	..	..	10	..	377	..
5. Hooghly	..	..	1	..	..	..
6. Howrah	..	..	..	..	..	..
Central Bengal.						
PRESIDENCY DIVISION.						
7. Berhampore Special Jail	..	..	..	..	353	..
8. Alipore—*District and Central* (India) ..	37	..	26	..	13	..
8. Alipore—*European* ..	..	..	..	..	..	..
9. Presidency Jail, Calcutta (India)	..	..	1	16	84	16
9. Presidency Jail, Calcutta (European) ..	..	..	..	..	..	..
10. Krishnagar ..	..	..	..	..	6	..
11. Berhampore ..	..	..	7	..	63	..
12. Jessore	..	..	2	..	26	..
13. Khulna	..	..	..	..	19	..
14. Dum Dum Special Jail ..	152	..	125	..	..	..
14. Dum Dum Additional Jail	..	..	..	..	806	..
Northern Bengal.						
RAJSHAHI DIVISION.						
15. Rajshahi—*District and Central*	..	..	13	..	25	..
16. Dinajpur	..	..	..	..	15	..
17. Jalpaiguri	..	..	..	..	1	..
18. Darjeeling	..	..	1	..	..	..
19. Rangpur	..	..	..	..	1	..
20. Bogra	..	..	..	..	..	1
21. Pabna	..	..	..	..	4	..
Eastern Bengal.						
DACCA DIVISION.						
22. Dacca—*District and Central*	1	..	2	..	105	..
23. Mymensingh ..	..	..	2	..	88	..
24. Faridpur	..	..	..	..	4	..
25. Barisal	..	..	1	..	4	..
CHITTAGONG DIVISION.						
26. Comilla	..	..	2	..	18	2
27. Chittagong ..	..	..	..	..	..	..
Total for all Jails ..	190	..	193	16	2,039	19
	2,457					

Dr. NARESH CHANDRA SEN GUPTA: Will the Hon'ble Member be pleased to state whether it is not a fact that the percentage of political prisoners placed in divisions I and II in the earlier days was much higher than at present?

The Hon'ble Sir PROVASH CHUNDER MITTER: The figures have been given both with regard to August and January; since then there has been a large number of releases. I cannot say with regard to the new convicts whether there is much difference, but the actual figures are there.

Maulvi SYED JALALUDDIN HASHEMY: With reference to answer (*g*) will the Hon'ble Member be pleased to give the reason why Government do not consider it desirable to reconsider the case of Kaviraj Khagendra Nath Sastri?

The Hon'ble Sir PROVASH CHUNDER MITTER: Because unless Government be placed in possession of the full facts, they cannot act.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state whether he is prepared to take any action to reconsider the matter?

The Hon'ble Sir PROVASH CHUNDER MITTER: If an application is put in, I shall certainly look into.

Babu JITENDRALAL BANNERJEE: Is the Hon'ble Member aware that the statement supplied by him is incomplete inasmuch as it does not give the figures for the Hijli special jail?

The Hon'ble Sir PROVASH CHUNDER MITTER: I understand that in January, 1931, there are no such prisoners in the Hijli special jail.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Member be pleased to state in regard to answer (*c*), whether it is the practice for the Hon'ble Member not to inquire into facts on which the classification is made?

The Hon'ble Sir PROVASH CHUNDER MITTER: Ordinarily no, but as a question of comparison of the cases of two prisoners, it is made in particular cases; if facts are definite, then such inquiries are made in cases when prisoners apply.

Unstarred Questions

(answers to which were laid on the table).

Classification of prisoners.

30. **Dr. AMULYA RATAN GHOSE:** (*a*) Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state under what rule of the Jail Code the political prisoners of division III are being treated?

(*b*) Is it a fact that the political prisoners of division III are being treated as ordinary convicts?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) and (*b*) All prisoners are classified in three divisions, two of which, namely, division I and division II, are superior to the ordinary. Division III includes all convicts not classified in a superior division, irrespective of the offence for which they have been sentenced to imprisonment. Prisoners in division III convicted of offences in connection with the civil disobedience movement are segregated so far as possible from other prisoners in division III, and where a jail contains a large proportion of prisoners of the non-labouring classes the Superintendent is authorised to supply a finer class of rice on medical advice under Jail Code Rule 100, when necessary. Such prisoners are also not usually employed on the ordinary jail labour. The member is referred to Volume I of the Rules for the Superintendence and Management of Jails.

Agricultural loan to the cultivators.

31. **Babu KHETTER MOHAN RAY:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether the Government granted any agricultural loan to the cultivators of Bengal in 1930?

(*b*) If so, what was the amount of loan granted to each of the districts of Bengal?

(*c*) Will the Hon'ble Member be pleased to state whether the Government intend to grant any such loan to the cultivators in the current year 1931?

(*d*) If so, what is the amount of the proposed loan?

(*e*) Have the Government received any reports from the District Magistrate of Tippera recommending a grant of loan to the cultivators of Tippera?

(*f*) If so, have the Government granted any amount?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) Yes.

(*b*) A statement showing the figures is laid on the table.

(*c*) Yes.

(*d*) Rs. 3,06,267 has already been allotted to the several districts and there is a balance of Rs. 1,24,733 which will be allotted, if necessary, up to the end of March, 1931. For the next financial year a provision of Rs. 6,00,000 has been made subject to the vote of the Council.

(*e*) Yes.

(*f*) During the current financial year Rs. 1,65,000 has been allotted.

AGRICULTURAL LOANS, 1930.

		Rs.
Bakarganj	...	69,767
Mymensingh	...	79,000
Bogra	...	50,000
Nadia	...	7,000
Khulna	...	2,500
Rangpur	...	40,000
Dacca	...	47,000
Malda	...	29,500
Dinajpur	...	5,000
Pabna	...	15,000
Noakhali	...	2,500
Tippera	...	40,000
24-Parganas	...	2,000
Murshidabad	...	63,000
Jalpaiguri	...	4,000
Midnapore	...	9,846
Rajshahi	...	40,000
		5,06,113

Babu KHETTER MOHAN RAY: Will the Hon'ble Member be pleased to state the criterion on which such loan is granted to the cultivators; is it the particular needs and demands of the cultivators, or on the criterion of the land they possess?

The Hon'ble Sir PROVASH CHUNDER MITTER: On the general demand in the locality based on recommendation of the Collector.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Member be pleased to state whether he is aware that a conference representing different interests and local bodies was held at Dacca in November last to devise ways and means for the purpose of granting loans to cultivators?

The Hon'ble Sir PROVASH CHUNDER MITTER: I am certainly not aware of it; I was not in India, but I will inquire into it if I am asked to do so.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to state why Jessore has been excluded from the list?

The Hon'ble Sir PROVASH CHUNDER MITTER: Perhaps because there was no application for a loan.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member consider it, if an application is made now?

The Hon'ble Sir PROVASH CHUNDER MITTER: Yes, if the local officers recommend it.

Dr. NARESH CHANDRA SEN GUPTA: Will the Hon'ble Member be pleased to state whether an investigation has been made to inquire into the condition of the peasants, and to satisfy the Government as to the exact amount required for agricultural relief?

The Hon'ble Sir PROVASH CHUNDER MITTER: This is not necessary for the purposes of the Agricultural Loans Act.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Member be pleased to state whether Government was requested by a resolution passed at the above conference to sanction a loan of five lakhs for the time being for distribution as agricultural loans to the cultivators?

The Hon'ble Sir PROVASH CHUNDER MITTER: I have no personal knowledge; this question does not arise.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state whether he considers the amount of loan for the district of Malda adequate in view of the acute distress prevailing there?

The Hon'ble Sir PROVASH CHUNDER MITTER: I must ask for notice of this.

Maulvi ABUL KASEM: Considering the distress and the condition of the cultivators, will the Hon'ble Member be pleased to state whether Government has made any inquiry or investigation into the matter?

The Hon'ble Sir PROVASH CHUNDER MITTER: It has evidently been receiving the consideration of Government.

Transfer of villages to the Munshiganj subdivision.

32. Maulvi ABDUL GHANI CHOWDHURY: (*a*) Is the Hon'ble Member in charge of the Revenue Department aware that the inhabitants of about 120 villages around Gazaria, now within the Daudkandi police-station of the Sadar subdivision of the Tippera district, have been agitating for the last 6 or 7 years for the transfer of the villages to the Munshiganj subdivision of Dacca district to which they formerly belonged?

(*b*) Is it not a fact that the distance between Gazaria and Comilla is about 80 miles by land and about 160 miles by steamer and train, and the distance between the said villages and Munshiganj is less than 10 miles?

(*c*) Is it a fact that the Subdivisional Officer of Munshiganj after inquiry recommended such re-transfer in 1927?

(*d*) If so, will the Hon'ble Member be pleased to state what steps, if any, have been taken in the matter?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) Yes.

(*b*) The distance to Comilla is about 40 miles by land and about 90 miles by steamer and rail, and the distance to Munshiganj is from 4 to 12 miles approximately.

(*c*) Yes.

(*d*) Government have been considering the proposal in consultation with the departments concerned. The transfer involves changes in police arrangements and increase in expenditure, and these points require further consideration before a decision can be reached.

Mu[illegible] assistant surgeons.

33. Maulvi ABDUL GHANI CHOWDHURY: Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state—

(*i*) the present number of assistant surgeons in the Province of Bengal;

(ii) how many of them are Moslems;

(iii) how many appointments have been made in the Provincial grade of the Medical Service during the last three years; and

(iv) how many Moslems have been recruited during the period?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Mr. Bijoy Prasad Singh Roy): A statement is laid on the table.

Statement referred to in the reply to unstarred question No. 33.

(i) 156 in permanent service; 6 in temporary service.

(ii) 14.

(iii) 6 in 1928; 7 in 1929; 3 in permanent service in 1930; 5 in temporary service in 1930.

(iv) 2 in 1928; 2 in 1929; 3 in 1930 (including two temporary assistant surgeons).

Muhammadan officers in Public Health Department.

34. Maulvi ABDUL GHANI CHOWDHURY: (a) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state—

(i) the present number of officers in the Public Health Department of Bengal; and

(ii) how many of them are Moslems?

(b) Is it a fact that the late Hon'ble Minister (Kumar S. S. Ray) put in a note to appoint suitable Muhammadans when vacancy occurs?

(c) Is it a fact that the order was noted by the Director of Public Health?

(d) If the answers to (b) and (c) are in the affirmative, will the Hon'ble Minister be pleased to state what action, if any, has been taken by the Government to give effect to the note recorded by the late Minister?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: (a) (i) 280.

(ii) 36.

(*b*) The reference appears to be to a routine departmental note and Government are not prepared to give information about such papers.

(*c*) and (*d*) Would then not arise.

Maulvi ABDUL KARIM: In a previous session I asked a similar question; will the Hon'ble Minister be pleased to state if, since then, there has been any change of policy?

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: There has been no change of policy. If the member requires any particular information, I must ask for notice.

Number of cases in the Munsifs' Courts at Kishoreganj and Bajitpur.

35. Maulvi ABDUL HAMID SHAH: Will the Hon'ble Member in charge of the Judicial Department be pleased to lay on the table a statement showing—

(*i*) the number of cases and execution petitions filed in the Munsifs' Courts at (*1*) Kishoreganj and (*2*) Bajitpur in the district of Mymensingh in the years 1928, 1929 and 1930 under the following heads, namely:—

(*a*) Small Cause Court suits,

(*b*) money suits,

(*c*) rent suits,

(*d*) Small Cause Court decree,

(*e*) money decree,

(*f*) rent decree;

(*ii*) the number of Small Cause Court and money instalment decrees defaulted from the month of last Kartic up to the month of Poush in the said Munsifs' Courts; and

(*iii*) the number of execution petitions filed in respect of those defaulted decrees in the said courts?

The Hon'ble Mr. W. D. R. PRENTICE: (*i*) A statement is laid on the table.

(*ii*) Kishoreganj 473; Bajitpur 135.

(*iii*) Kishoreganj 38; Bajitpur 24.

Statement referred to in the reply to clause (i) of unstarred question No. 35 showing the number of cases and execution petitions filed in the Munsifs' Courts at Kishoreganj and Bajitpur.

	Number of cases filed.			Number of applications filed for execution of decrees.		
	S. C. C.	Money.	Rent.	S. C. C.	Money.	Rent.
1928						
Kishoreganj	3,635	684	3,879	1,052	1,374	2,106
Bajitpur	1,812	426	2,326	598	737	1,485
1929						
Kishoreganj	4,212	845	2,875	1,036	1,361	1,902
Bajitpur	2,117	495	3,094	602	735	1,128
1930						
Kishoreganj	3,589	680	2,414	1,080	1,424	1,722
Bajitpur	1,872	382	1,508	599	713	1,207

3 p.m.

Motion for an adjournment of the business of the Council.

Maulvi SYED JALALUDDIN HASHEMY: I beg to move the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely, the high-handedness of the police in having made *lathi* charges and assaults upon a peaceful and unarmed procession, headed by Mr. Subhas Chandra Bose, Mayor of Calcutta, at the *maidan*, on January the 26th, 1931.

The Hon'ble Mr. W. D. R. PRENTICE: May I make a submission in respect of this matter?

Mr. PRESIDENT: Do you want to make it at this stage?

The Hon'ble Mr. W. D. R. PRENTICE: I was going to ask whether this can be considered a definite matter of urgent public importance. I should prefer to make it now, but I can make it later if you please.

Mr. PRESIDENT: The appropriate time for that is after I put the motion to the Council to enable it either to give or refuse its consent to have a discussion on the same.

The Hon'ble Mr. W. D. R. PRENTICE: Might I suggest that it is not a matter of urgent public importance and the Council should not be asked to consider it?

Mr. PRESIDENT: So far as I am concerned, I have already ruled that the motion is admissible and the intending mover thereof has already obtained my consent. It now depends on the House as to whether it should be discussed or not.

Leave has been asked by Maulvi Syed Jalaluddin Hashemy to move his motion for adjournment which has just been read to the Council: is there any objection?

The Hon'ble Mr. W. D. R. PRENTICE: I submit that it is not a matter of urgent public importance as the incident to which it refers happened some 17 days ago.

I submit that I do not wish to criticize your ruling but the point is that this motion refers to an occurrence on the Independence Day which is an annual event and is a matter three weeks old. The occurrence with which it deals will not occur again for nearly a year.

Mr. NARENDRA KUMAR BASU: Is any Hon'ble Member allowed to make a speech when the motion has been admitted by the President?

Mr. PRESIDENT: The motion concerns the department of which the Hon'ble Member is in charge and I think he should be given an opportunity to have his say to uphold his objection. Now that the House has been asked to pronounce its opinion on the advisability of discussing the matter, it lies with the Hon'ble Member to persuade the House not to yield to the mover of the motion. The Hon'ble Member has made it abundantly clear that he is not speaking on my ruling which he, of course, cannot do under any circumstances. He simply submits to the House the reasons on which his objection is based. I do not think that there is any objection to his doing that.

Mr. NARENDRA KUMAR BASU: Will speeches be allowed on the other side after the Hon'ble Member has spoken?

Mr. PRESIDENT: Of course, the principal factors are the mover and the Hon'ble Member in charge of the Department concerned but if any other member can adduce sufficient reasons as to why he wants to speak and if he is able to satisfy me on the point that he should be given a chance to speak at this stage, he may be able to catch my eyes.

Maulvi ABUL KASEM: If the Hon'ble Mr. Prentice is allowed to give reasons why this House should reject the permission to move this motion and if others also are permitted to advance reasons for granting this permission, then there would actually be a debate taking place on this motion.

Mr. PRESIDENT: Maulvi Abul Kasem need not be afraid of that. If things go wrong, as he apprehends, it lies with the President to peremptorily prevent it.

Mr. SHANTI SHEKHARESWAR RAY: Is the Hon'ble Member entitled to make any statement after you have put that motion?

Mr. PRESIDENT: Yes, he is entitled to make any statement which the President may permit him to make.

Dr. NARESH CHANDRA SEN GUPTA: May I draw your attention to the following section of the Legislative Council Manual:—

"*Section 83.*—If the President is of opinion that the matter proposed to be discussed is in order, and if it has not been disallowed by the Governor under rule 22 (2) (section 71), the President shall read the statement to the Council, and ask whether the member has the leave of the Council. If no objection is taken, the President shall intimate the hour at which the motion will be taken. If objection is taken, he shall request those members who support the motion to rise in their places, and if not less than thirty members rise accordingly, he shall similarly intimate the hour. If less than thirty members rise, the President shall inform the member that he has not the leave of the Council."

I submit that the only thing that the Hon'ble Member can do is to make an objection.

Mr. PRESIDENT: It is absolutely clear that if a member has got to object he may be allowed to give his objection a definite shape if he chooses to do so. It is, in my opinion, inherent in the rule which requires 30 members to rise in their places to signify their consent to a motion for adjournment that at least members who are chiefly concerned may, if permitted by the Chair, advance arguments for or against the motion at this stage. The rules are elastic enough to allow the President to use his discretion in such matters. Any way, I am against gagging members unnecessarily. It is certainly not my business. A free discussion is oftener than not helpful.

The Hon'ble Mr. W. D. R. PRENTICE: The point I would make is that this motion deals with an event which took place on the

Independence Day, the 26th January, that is about a fortnight ago. Independence Day is an annual event and it cannot occur for another 11½ months. If the discussion on this motion is to go into the general conduct of the Calcutta Police, then I submit that with the budget demands coming along, the voting on the grants for the Calcutta police would be the proper occasion to deal with this matter.

Mr. PRESIDENT: I have nothing to say with regard to this; the matter now entirely rests with the House.

[Objection being taken the Hon'ble the President requested those members who supported the motion to rise in their places. More than 30 members having risen the Hon'ble the President informed Maulvi Syed Jalaluddin Hashemy that he had the leave of the Council to move his motion for an adjournment.]

The Hon'ble Mr. W. D. R. PRENTICE: The first notice that I had of this motion was one which reached me somewhere about the 3rd February, before the Council met, informing me that this would be moved on the 9th. When the file reached me, there was a note that the motion would be taken up on the 13th.

Mr. PRESIDENT: Was the note signed by me?

The Hon'ble Mr. W. D. R. PRENTICE: It was, Sir. The motion was not moved on the 9th and if the reason was that the matter was *sub judice* in the High Court, the High Court passed orders yesterday morning before the Council met. In spite of this the motion was not made yesterday. Consequently when I learnt that this motion would be coming up to-day I was a bit taken by surprise. I shall be glad if you could arrange not to take it up to-day but to take it either on the 13th, the date originally fixed, or as would be more convenient to me on Monday, the 16th; if to-morrow afternoon is selected I have no objection but I should prefer Monday.

Mr. PRESIDENT: It appears that I have passed an order to the effect that the matter will be taken up on the 13th, *i.e.*, to-morrow. I think I cannot go back upon my word; but, I cannot put it back as far as the 16th. Will you, Maulvi Syed Jalaluddin Hashemy, please move your motion to-morrow immediately after the questions?

NON-OFFICIAL MEMBERS' BILLS.

The Bengal Municipal (Amendment) Bill, 1930.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I beg to present the Report of the Select Committee on the Bengal Municipal (Amendment) Bill, 1930, introduced by Munindra Deb Rai Mahasai.

With one note of dissent the Select Committee has accepted the Bill as it stands and I now leave the hon'ble member in charge of the Bill to explain the provisions of the Bill.

MUNINDRA DEB RAI MAHASAI: Sir, I beg to move that the Bengal Municipal (Amendment) Bill, 1930, as reported by the Select Committee, be taken into consideration.

In moving this motion I have got nothing further to add to what I have said on the last session of the Council. I should like to say only a few words to impress upon the House the necessity of legislation on a vital point of law affecting the franchise of a large section of the educated people of this Presidency. The object of the Bill is too well-known to need recounting. It was discussed rather fully during the last session of the Council and the Select Committee carefully considered the Bill and recommended for its enactment. Section 15 (*iii*) of the Bengal Municipal Act, 1884, laid down certain qualifications which entitled persons to be placed on the Electoral Roll. Apart from property qualifications there were other special qualifications such as educational and professional which entitled one to be placed on the electoral roll. By a ruling of the Hon'ble High Court in the case of Charu Chandra Mazumdar *vs.* Chairman, Faridpur Municipality, those having particular educational qualifications contemplated in section 15 (*iii*) of the Bengal Municipal Act, 1884, were disfranchised. I want to have it restored which had been curtailed by the Judiciary by giving a different meaning to the particular sub-section in question, quite contrary to the intention of the Legislature. Some municipalities strictly followed the High Court ruling but others took the commonsense interpretation of the law, while in certain cases the same municipality applied the High Court ruling to those whom they wanted to disfranchise and followed the commonsense view of the law to others according to their personal likes and dislikes. The amendment in question will bring about an uniform standard of procedure in all the municipalities of Bengal. I hope and trust that this Bill as recommended by the Select Committee will have the best consideration of the Council.

The following motion was called but not moved:—

Rai Bahadur KAMINI KUMAR DAS to move that for clause 2 the following be substituted, namely:—

"2. In clause (*iii*) of the proviso to section 15 of the Bengal Municipal Act, 1884, after the word 'occupies' the words 'or lives in' shall be inserted."

The motion that the Bengal Municipal (Amendment) Bill, as reported by the Select Committee, be taken into consideration was then put and agreed to.

MUNINDRA DEB RAI MAHASAI: I beg to move that the Bengal Municipal (Amendment) Bill, as settled in Council, with the change of the year in the short title from "1930" to "1931," be passed.

3-15 p.m.

Maulvi TAMIZUDDIN KHAN: Sir, I beg to oppose the motion moved by my friend Munindra Deb Rai Mahasai. If this Bill is passed, I think certain difficulties will be created which we should take into consideration. Now, according to the ruling of the Hon'ble the High Court, all persons who occupy holdings are entitled to vote, but if this Bill is passed then all persons who have the educational qualification mentioned in the section will be entitled to be enrolled on the voters' list, irrespective of the fact whether they have any property qualification or not. Sir, in itself there seems to be no objection to the clause, but it will affect the position of students in a way that deserves consideration. We know that in all municipal towns a large number of students reside, and if this Bill is passed all these students will be enfranchised. We all know that in municipalities there is a good deal of party faction, and it will be very undesirable to drag the student community in its vortex. Therefore, it seems very undesirable that this Bill should be passed. I oppose the Bill.

The motion of Munindra Deb Rai Mahasai was then put and a division taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Bal, Mr. Sarat Chandra.
Ballabh, Rai Bahadur Debendra Nath.
Banerji, Rai Bahadur Keshab Chandra.
Bannerjee, Babu Jitendralal.
Basu, Babu Jatindra Nath.
Basu, Mr. Narendra Kumar.
Blandy, Mr. E. N.
Burai, Babu Gokul Chand.
Chatterjee, Mr. B. C.
Chaudhuri, Babu Kishori Mohan.
Coben, Mr. D. J.
Coppinger, Major-General W. V.
Das, Babu Satyendra Kumar.
Das, Rai Bahadur Kamini Kumar.
Desh, Mr. A. J.
Dutt, Rai Bahadur Dr. Haridhan.
Hassan, Mr. S. A.
Faroqui, the Hon'ble Khan Bahadur K. G. M.
Fawcus, Mr. L. R.
Ganguli, Rai Bahadur Sushil Kumar.
Ghose, Dr. Amulya Ratan.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Gilchrist, Mr. R. N.
Guha, Babu Profulla Kumar.
Guha, Mr. P. N.
Gurner, Mr. G. W.
Hutchings, Mr. R. H.
Kasem, Maulvi Abul.
Law, Mr. Surendra Nath.
Maiti, Mr. R.
Marr, the Hon'ble Mr. A.
Mitter, the Hon'ble Sir Provash Chunder.
Mookerjee, Mr. Syamaprosad.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Nag, Babu Suk Lal.
Nag, Mr. K. C.
Nag, Reverend B. A.
Nandy, Maharaja Sris Chandra, of Kasimbazar.
Nazimuddin, the Hon'ble Mr. Khwaja.
Philpot, Mr. H. C. V.
Poddar, Seth Hanuman Prasad.
Prentice, the Hon'ble Mr. W. D. R.
Raikat, Mr. Prasanna Deb.
Rai Mahasai, Munindra Deb.
Ray, Kumar Shib Shekhareswar.
Ray, Maharaja Jagadish Nath, of Dinajpur.
Ray, Mr. Shanti Shekhareswar.
Ray Chaudhuri, Mr. K. C.
Ray Choudhury, Babu Satish Chandra.
Reid, Mr. R. N.
Roy, Babu Satyendra Nath.
Roy, Mr. Saileswar Singh.
Roy, Mr. Sarat Kumar.

Roy, the Hon'ble Mr. Bijoy Prasad Singh.
Roy Choudhuri, Babu Hem Chandra.
Salmma, Babu Satya Kinkar.
Samad, Maulvi Abdus.
Sarkar, Sir Jadunath.
Sen, Rai Sahib Akshoy Kumar.
Sen Gupta, Dr. Naresh Chandra.
Singh, Srijut Taj Bahadur.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
Sircar, Dr. Sir Nilratan.
Stapleton, Mr. H. E.

NOES.

Bakeh, Maulvi Shaik Rahim.
Bakeh, Maulvi Syed Majid.
Bal, Babu Lalit Kumar.
Basir Uddin, Maulvi Mohammed.
Burn, Mr. H. H.
Chaudhuri, Khan Bahadur Maulvi Ali-muzzaman.
Chaudhuri, Maulvi Syed Osman Haider.
Choudhury, Maulvi Nural Ahsar.
Chowdhury, Haji Badi Ahmed.
Clark, Mr. I. A.
Cooper, Mr. C. G.
Dain, Mr. G. R.
Eusufji, Maulvi Nur Rahman Khan.
Faziullah, Maulvi Muhammad.
Forrester, Mr. J. Campbell.
Hakim, Maulvi Abdul.
Hosain, Nawab Musharruf, Khan Bahadur.
Hossain, Maulvi Muhammad.
Huq, Khan Sahib Maulvi Baziul.
Hussain, Maulvi Latafat.
Karim, Maulvi Abdul.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Lal Muhammad, Haji.
Luke, Mr. H. R.
Mullick, Mr. Mukunda Behary.
Norton, Mr. H. R.
Rahman, Maulvi Azizur.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur-
Salauddin, Mr. Khwaja.
Shah, Maulvi Abdul Hamid.
Solaiman, Maulvi Muhammad.
Sumner, Mr. C. R.
Thompson, Mr. W. H.
Travers, Mr. W. L.

The Ayes being 65 and the Noes 36, the motion was carried.

The Calcutta Municipal (Amendment) Bill, 1930.

Dr. NARESH CHANDRA SEN GUPTA: Sir, I beg to move that the Calcutta Municipal (Amendment) Bill, 1930, be taken into consideration. I ought to tell the members that this Bill is by no means a stranger to this House. A Bill for the same purpose was introduced in this House by my friend Dr. Suhrawardy and passed, but that Bill was vetoed by His Excellency. Then, later on, Mr. Shamsuddin, who was lately a member of this Council, introduced another Bill for the same purpose, *viz.*, for the separation of the Garden Reach area from the Calcutta Municipality. That Bill was also referred to a Select Committee. That committee made certain amendments in it. And the Bill which I have had the honour to introduce is practically identical with it as it was settled by the Select Committee. Sir, Mr. Shamsuddin's Bill dropped because he resigned his seat in this Council. But for that this Bill would have come up for consideration by this House long ago. The object of this Bill is to separate the Garden Reach area from the Calcutta Municipality. I do not know if all the members of this House are acquainted with the character of Garden Reach. It is a rural area for the greater part of it—I should almost say, a sylvan district—which has been added to Calcutta by a fluke. I say "by a fluke," advisedly, because when the Calcutta Municipal Bill, introduced

by the late Sir Surendra Nath Banerjea, was under consideration, there was no proposal to amalgamate with Calcutta this area of Garden Reach, and the opinions which were received and which were expressed by responsible persons, including my hon'ble friend, Mr. W. D. R. Prentice, who was then the District Magistrate of the 24-Parganas, were decidedly against the amalgamation of Garden Reach with Calcutta.

3-30 p.m.

Then the matter was referred to a special committee which went into the question of amalgamating the outlying areas with Calcutta. They also did not recommend it, but ultimately almost by a fluke Garden Reach as well as Cossipore-Chitpore areas were amalgamated during the passage of this Bill through this Council. The result was that the inhabitants of this rural district found themselves in the position of ratepayers of the metropolis of Calcutta. Well, Sir, it was a position which the ratepayers of Garden Reach have not appreciated very much and for these reasons: It meant for them the payment of very much higher rates and as no one wants to pay more rates than he may not avoid, naturally the people of Garden Reach did not appreciate the idea. There was something more; while they were made to pay higher rates they received no compensating advantages. No doubt they had the advantage of having almost the same staff which was engaged in the municipal work of Garden Reach in its old days employed on higher rates of pay, because they had come under the scale of the Calcutta Corporation employés. No doubt they had the privilege of paying higher rates and of having just a few slight improvements which were effected in one or two roads in the Garden Reach area. Most of the people of this area live in houses which I do not think the Calcutta Corporation, if it be true to its building regulations and bustee regulations, can possibly allow to exist. The people of these areas have continued to live in those surroundings. The Corporation of Calcuta have not had the money which they expected to spend for the improvement of the Garden Reach area for capital work. That is a question which I know has been sought to be controverted by the Calcuta Corporation by showing expenditures on various projects which have been debited against the Garden Reach area. But in point of fact whatever may be the position of the projects in the books of the Calcutta Corporation, nothing has been done by the Calcutta Corporation for improving the position of the ratepayers of Garden Reach. Even in the matter of water-supply for the present the people of Garden Reach are mostly unsatisfied with the prospect that they would be flushed with water when the Moore-Bateman scheme comes into existence, while for the present they have to content themselves with paying more rates. At present the Calcutta Corporation has done

something to alleviate the most urgent demands of the people for the supply of drinking water by supplying it by means of lorries and boats. Well, Sir, I have been to the area and I have seen to what extent the people are benefited by the supply of water. It is undoubtedly true that a certain portion of the inhabitants, that is, those who live near the main roads, are benefited; but most of the roads of Garden Reach are inaccessible to motor lorries or any sort of vehicular traffic whatsoever. Some of the municipal roads of Garden Reach or most of them, if I may say so, consist of narrow strips of land between 3 and 6 feet in breadth lying through wooded areas and whose only glory is that they have flag stones on each side erected by the Calcutta Corporation. Most of the people live at a very great distance from the main roads and to them the supply of water by motor lorries and boats has given no relief whatsoever. They have to walk if they want to have water about 200 or 300 yards and we can easily imagine the amount of rush there is to get water from the water lorries. The people of Garden Reach belong more or less to the rural area and they are not very much pressed for time it is true, but all the same they have not the abundance of leisure to enable them to go that long distance to obtain the supply of water. That is what the Calcutta Corporation has done for them, besides lighting two streets with electricity. The grievances of the people of the Garden Reach area have been the subject matter of investigation recently by a committee appointed by the Hon'ble Minister. That committee was presided over by Mr. Goode and has reported, and the report of that committee will furnish the strongest justification for the measure which I have the honour to place before the Council to-day. That report says that most of the grievances of the people of Garden Reach are perfectly justified. It further says that as a matter of fact there is no reasonable chance of any substantial improvement being effected in the Garden Reach area by the Calcutta Corporation. It also says that the improvement of the Garden Reach area so as to make it a fit part of Calcutta would mean a herculean task. It says that while in some cases the rates of assessment have gone up enormously already and there is a very great apprehension of the rates being increased beyond all proportion when the revaluation takes place, and it is taking place now. All these reasons are entirely in favour of the separation of the Garden Reach area, but the majority of the committee instead of taking the obvious course of restoring the *status quo* until something better could be done, have gone to complicate the scheme by doing for Garden Reach what they conceived would be to the utmost benefit of the people. They hold that the Garden Reach area forms a distinct unit of Calcutta. Therefore, they think that the Garden Reach area should be administered in respect of matters of improvement by a district committee with far larger powers than what the Corporation district committees have. In other words the Garden Reach area will form a sort of enclave within

the Calcutta Corporation. Well, it is difficult to imagine why, if it is necessary to have the affairs of the Garden Reach area especially looked after by a special committee constituted for it, there should be any objection to restoring the old municipality. In the second place the committee recommend that the district committee should have a large amount of money—Rs. 25,000 in the first six years and Rs. 50,000 thereafter—allotted to it for the administration of the Garden Reach area. Then they suggest that the larger work of improving—a task which they have described as herculean—should be done not by the Calcutta Corporation but the Improvement Trust; and for that purpose they make some definite suggestions including recommendations for the allotment of adequate funds for making that sylvan area into a smiling city. Well, Sir, I cannot but feel that faith in the capacity of the Calcutta Improvement Trust to transform the Garden Reach area into a smiling city seems to be a bit too exaggerated. I do not think that even if the resources which the Goode Committee recommend should be placed in the hands of the Improvement Trust, it would be capable of achievement. With it they could do nothing marvellous. And unless they do something very marvellous the Garden Reach area will not be very different from what it is now. Besides that there is another circumstance which I should draw attention to. We are familiar with the ideas of the Improvement Trust in regard to improvement of the city. I do not wish to grudge them the appreciation which they deserve for transforming old Calcutta into a much more beautiful city than it was in the past. They have done a great work in the past few years. But then the character of the improvements which they have made has got to be considered. They have improved areas which were mostly insanitary and filthy into beautiful residential quarters. In other words they have provided building sites in places which were formerly inhabited by dirty poor people for the comparatively rich people. That is the idea of the Calcutta Improvement Trust. That body was entrusted with the work of providing not only for the rich, not only for the well-to-do, but also for the poor. But the record of the Improvement Trust in providing suitable housing accommodation for the poor is almost insignificant as compared with the work that they have done for the rich. If you want to do good to the Garden Reach area but not to the people that are in that area, that is not the sort of improvement that we want. We want that the insanitary conditions of the district should be removed: we want that the people should be permitted to live in far more comfortable surroundings; we want that they should be provided with municipal amenities in an ampler measure than they have now; but we do not want the poor people who have made their homes there to be turned out bag and baggage to make room for the rich, and the well-to-do. We do not want Garden Reach to be converted into an extension of Calcutta, the Calcutta of the rich and well-to-do. We want that Garden Reach should be made the

residential home of the people who have lived there so long and they should be made to live there far more comfortably than in the past. That is an improvement which the Improvement Trust has not shown itself by its past traditions to be capable of achieving.

3-45 p.m.

Therefore, Sir, I am not particularly enamoured of the scheme of the Goode Committee recommending that the task of the improvement of the Garden Reach area should be handed over to the Improvement Trust and that they be provided with adequate funds for the purpose. Well, Sir, if there is any reason why this particular recommendation of the Goode Committee should not be accepted, I think the only alternative for us—if you want to do justice to the people of the Garden Reach area, and the Goode Committee has unequivocally shown that as a matter of fact the Garden Reach people have been suffering from injustice—if you want to do justice to these people—the only alternative for us is to restore them to the *status quo ante*, to restore them to their old position. No doubt it will be said that the position of Garden Reach before its amalgamation with Calcutta was none too desirable. I shall be told that being so near Calcutta and seeing so much of Calcutta these people should not be allowed to live under similar conditions. Perfectly true. I also want that they should be given all the facilities, all the amenities of city life, but unless and until you have before you a scheme by which that sort of thing may be possible, then do not, for God's sake, improve them out of existence. Until you bring about improved conditions, the only just and proper thing for you, I submit, is to let them continue to live in their old way. Personally, I think, it would be quite possible to draw up a scheme for the administration of municipalities of suburban areas without amalgamation with Calcutta on lines which would be different from those which are in operation in Calcutta and from those in the mufassal municipalities. But we have no such scheme—no such municipal Bill, in contemplation. We will have to take it up later on. We should have to devise such a scheme, if possible. But so long as you have not got such a scheme, I will ask you and I want the House to say that the people of Garden Reach should be permitted to continue in their old way without subjecting them to injustice and hardships. Meantime Government and the people may go on thinking out some scheme for improving the area. I, therefore, think that the Goode Committee's Report has served a very useful purpose and has been very helpful to me in satisfying the House that the grievances of the people of Garden Reach are substantially justified and that, in the words of the committee themselves—"the grievances must be remedied." But it has

not been a help to us in solving out the problem. The solution suggested by them is no solution. In the first place, the idea of extending the Improvement Act to this area seems to be very optimistic, and secondly, if it ever materialises, the people will find that they have been improved out of existence. I would, therefore, ask the House to rule out the Goode Committee's recommendations while relying upon the evidence collected by the committee and support my Bill for the separation of the Garden Reach area. I have said already that the Bill has been discussed by a Select Committee clause by clause and that Select Committee have improved the Bill. What you have before you is the Bill as amended by the Select Committee which was appointed at the instance of Maulvi Shamsuddin Ahmed. It is, therefore, unnecessary to refer the Bill again to a Select Committee. I would therefore ask you to consider the Bill in detail and pass it.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I beg to move, by way of amendment, that for the words "the Calcutta Municipal (Amendment) Bill, 1930, be taken into consideration" the following be substituted, namely:—

> "the consideration of the Bill be deferred until July pending examination of the report of the Committee appointed to advise on Garden Reach together with the views of the bodies concerned."

Sir, at least on this occasion, I do not propose to challenge any of the statements made by the mover, Dr. Naresh Chandra Sen Gupta. I shall not do it on the ground of expediency, if not on any other ground. My proposal is a very modest and simple one and if I may say so a very fair one. The Government appointed a committee, which was presided over by Mr. Goode, in order to find out some solution of this problem. The Goode Committee examined the question very minutely and they have submitted a report. The report came into the hands of Government only a few days before Christmas. We then circulated the report to the bodies interested in the improvement of Calcutta and of Garden Reach, *viz.*, the Calcutta Corporation, the Improvement Trust and the Port Commissioners. Their opinions on the Goode Committee's report was only received last week or the beginning of this week and the Government had no time to examine the Goode Committee's report along with these opinions. On this ground I will appeal to my hon'ble friend and to the members of this House to accept my motion. I can assure them that I am in no way unmindful of the grievances of the people of Garden Reach; I was a member of the committee, I had an opportunity of visiting this area and I am very much familiar with the

problem. I think that some relief ought to be given to the people of Garden Reach. Their grievances are that they have got to pay a higher rate than they had been paying before and that many of them have been disenfranchised under the Calcutta Municipal Act, that the Corporation of Calcutta has failed to discharge its obligations towards Garden Reach and that the Building rules provided for under the Calcutta Municipal Act have caused great hardship to the people of Garden Reach because these rules are very unsuitable to the area which Dr. Sen Gupta has described as a sylvan area. Sir, these are the main grievances and all these have been gone into quite fully into the Goode Committee's report. The members of the committee visited the area, they examined the representatives of the ratepayers, they examined the Chief Engineer, Assessor and other officers of the Corporation and they arrived at certain conclusions. I hope the House is not going to brush aside their recommendations without giving the Government an opportunity to examine them fully. Sir, the Corporation of Calcutta has taken up a very reasonable attitude in this connection. They have suggested that the Government should bring a Bill on the lines of Goode Committee's recommendations. As a matter of fact I have already had a Bill drafted. But I had no opportunity so far to get it examined thoroughly and therefore I could not place it before the House at present. I would earnestly request my hon'ble friend to postpone his Bill till July next when I hope to introduce my Bill and if that meets his requirement, he will be pleased to consider whether he would withdraw his Bill. This is a very modest proposal which I place before the House and I hope my hon'ble friend would agree to it.

Babu JITENDRALAL BANNERJEE: Sir, in opposing the amendment of the Hon'ble Minister for Local Self-Government, I regret that I am under the necessity of exposing once again the utter hollowness and disingenuousness of the plea that he has advanced—the plea that Government has had no opportunity to consider the Goode Committee's report. That report was submitted in August last and the Government has had more than five months to consider it. If in spite of that, they pretend that they have not found time to consider it so far, I can only say that they are not going to consider it at all.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: May I offer a personal explanation, Sir?

Babu JITENDRALAL BANNERJEE: Sir, the Hon'ble Minister ought not to interrupt me at this stage. It is not a point of order.

Mr. PRESIDENT: But he can certainly rise to offer a personal explanation.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I said that Government have had no time to consider the Goode Committee's report along with the opinions of the bodies concerned.

Babu JITENDRALAL BANNERJEE: The bodies concerned were interested bodies and they have purposely delayed submitting their opinion. The question is not such a simple one as the Hon'ble Minister would have us believe. He has not taken us into his confidence. He has not thought it proper to take the House into his confidence. He has only flourished before us a blank sheet of paper and said, "here is my draft Bill." But that is nothing. What are the provisions of the Bill? How is he going to implement the recommendations of the Goode Committee? These are points of vital importance, and on them he has been conveniently silent. He says that the measure is still confidential. Very possibly it is: but so far as the main outlines of the Bill are concerned, I submit that he ought to have taken the House into his confidence. But, apparently, he has not thought it worth his while to do so. Sir, I found a European gentleman laughing when Dr. Naresh Chandra Sen Gupta was referring to the Goode Committee's report. I do not understand the cause of that laughter; but I may tell him at once that we are going to take our stand upon that report and that report only. That report makes out an unanswerable case for separation. I am prepared to take my stand on the Goode Committee's report: but the question is, will the Government give effect to these recommendations? Will the Corporation give effect to them? So far there is no sign—not the least inkling—that they are going to do so.

Sir, for the information of the House I may be allowed to summarise the Goode Committee's recommendations. The Committee begins by admitting that the grievances of the people of Garden Reach are genuine and well-founded. Secondly, they go further and say that improvements of the area are urgently needed and that such improvements will not be possible under the auspices of the Calcutta Corporation.

Mr. P. N. GUHA: Why not?

Babu JITENDRALAL BANNERJEE: I may tell Mr. Guha that this is not my opinion; it is in the report of the Goode Committee.

Mr. P. N. GUHA: The Corporation think differently.

Babu JITENDRALAL BANNERJEE: Yes, Sir, the Corporation think differently and have thought differently for the last seven years. It has pocketed the earnings of Garden Reach and has done nothing for the improvement of Garden Reach or for the discharge of their own statutory obligations. The Corporation of Calcutta ought to be ashamed of their conduct, and people who have got the cheek to say that the Corporation has done something for them ought to be ashamed too!

Sir, coming back to the recommendations of the committee—the committee think that improvements are necessary and that a capital sum of Rs. 82 lakhs will be required for the purpose, together with an annual expenditure of four lakhs of rupees for loan-service. Out of that sum of four lakhs, rupees one lakh and fifty thousand should be contributed by the Corporation and the rest by the Government and the Improvement Trust. Sir, here are the specific proposals which, the Hon'ble Minister says, that Government have not yet found time to consider. The Corporation has not also found time to consider them.

4 p.m.

The Hon'ble Minister says that the Corporation were not aware of the fact, for if they were, they would have asked the Government, which means my hon'ble friend, to bring in a Bill suitable to their convenience. I shall place before you an account of the procedure which has been adopted by the Corporation. The Corporation considered the whole thing at their meeting and they asked the Government to bring in a Bill on the lines of the Goode Committee's report. As regards the details of that report, they say that they commit themselves to nothing and that they will reserve the figures for examination afterwards. In other words they nowhere say—my hon'ble friend is confounding the findings of the Special Committee with the findings of the Corporation itself—they nowhere say that they accept the recommendations of the Goode Committee. Nowhere do they say that they will contribute Rs. 1,50,000 for 30 years as the Goode Committee propose. If the Hon'ble Minister could come here to-day and say, "yes, the Corporation is willing to do its share of the bargain, and Government is willing to do its," that would be a fair proposal and we would be in a position to accept it. But the Corporation does not commit itself to the figure of Rs. 1,50,000, or any figure at all, nor has the Government given any inkling that it will spend even one rupee upon the projects outlined. Sir, this bankrupt Government is not in a position to pay anything whether it be for 20 years or 30 years. That being the case, what will happen? The thing will be left to the tender mercies of the Improvement Trust. But the Chairman of the Improvement Trust, Mr. Swan, has been far more fair and candid than either the Corporation or the Government. He has

told the Corporation quite plainly that, for the next five years, he will not be in a position to take up the project of improving Garden Reach or even to look at it at all. And even after five years he would only be able to take up the scheme if, in the meantime, he is left unhampered to go on with the improvement of other tracts.

This opinion of Mr. Swan fortifies me in my demand that the case of Garden Reach should be considered at once and should not be left hanging indefinitely till the Corporation is pleased to change its mentality or till Government is able to find ampler resources.

Apart from the main question of funds, there are certain other recommendations of the Goode Committee which also deserve consideration. Their second proposal is practically to create a sort of enclave or excluded area of Garden Reach. They say that for this one ward only there should be created a separate district committee with a statutory existence of its own and that the Corporation should assure this committee an annual income of Rs. 25,000 for the first six years and afterwards of Rs. 50,000 for the next six years. But in this respect also the Corporation does not commit itself to the recommendations of the Goode Committee. They say, "we cannot spend Rs. 50,000 at all; but we may spend Rs. 25,000 and even this sum of Rs. 25,000 we shall spend ourselves and not through a district committee such as Mr. Goode proposes." Sir, the people of Garden Reach would be perfectly willing to accept the recommendations of the Goode Committee, if the Hon'ble Minister could give them any assurance that he would be able to implement by means of a legislative enactment. But they cannot remain waiting indefinitely upon promises and expectations.

Sir, there are other grievances as well as other recommendations: but it is useless going into details. The main fact stands out that Garden Reach has not benefited; not only has it not benefited by its amalgamation with the Calcutta Corporation, but it has positively suffered. Since 1927-28 the Corporation of Calcutta has been under a statutory obligation to spend annually a lakh of rupees in the execution of original improvement works: but, systematically, for the last four years it has avoided its obligation, and now it comes forward and says that it has supplied Garden Reach with water and the money spent on this water-supply scheme discharges its statutory obligation in full.

The Corporation should be reminded of the simple elementary point that the mere fact that Garden Reach contributes to the consolidated rates entitles it to receive a supply of water from the Corporation of Calcutta; and it is doing violence to the spirit and letter of the law to say that, because you have supplied water to the Garden Reach Municipality, therefore you have discharged your statutory obligation in full. It is a false, disingenuous and a most unsympathetic plea;

and Garden Reach refuses to remain amalgamated with a Corporation which is so unjust in its treatment of a neighbouring district.

Sir, everybody is agreed that Garden Reach should be improved. The question is: should this improvement be left to the Calcutta Corporation? Should it be left to the Calcutta Improvement Trust or should the people of Garden Reach be themselves asked to shoulder the burden? The Corporation has done nothing in the past and therefore is not expected to do anything in the future. The Improvement Trust says that it is not in a position to take up the improvement of Garden Reach, not surely for the next five years and perhaps not even then. Then, Sir, the question comes to this: if the Corporation cannot improve, and if the Improvement Trust will not improve, will the improvement of Garden Reach go a-begging?

Will not the people themselves be allowed to do their share of the business? There are some people who say, "separate Garden Reach by all means but leave the King George's Dock with us." That sort of demand comes with a very ill grace from the Corporation of Calcutta or the champions of the Corporation of Calcutta. In 1922 the Government of Bengal appointed an independent committee for the purpose of considering this thing. That committee was presided over by Mr. S. R. Das, at that time Advocate-General. It consisted of the President of the Calcutta Improvement Trust Tribunal and Mr. J. A. Woodhead, Land Acquisition Collector, Alipore; and these three persons, constituting an independent committee, perceived the injustice, the gross injustice of this proposal, namely, that a poor neighbour should be robbed of its richest possession for the purpose of improving the resources of Calcutta.

I do not understand why there should be so much talk about the King George's Dock area. After all the Port Trust will look after the sanitation and improvement of the Dock area—as it has been looking after these things in the past—and there is not the least reason to fear that the dock area will suffer simply because it is amalgamated with the Garden Reach Municipality. Nor is there anything inherently absurd in the idea that the dock area should be under the management of two different municipalities.

Sir, I understand the difficulty I am up against in pleading the cause of Garden Reach. The Calcutta Corporation is a powerful body and of course there are many people ready to defend it. The Port Trust—I do not know for what reason—have chosen to ally themselves with the Calcutta Corporation. But this alliance will not always last. Let the European members remember that, however much they pay their court to the Corporation, this alliance will not be profitable either to themselves or to the Corporation. Sir, people talk about the interests of the dock area and the interests of the Calcutta Corporation.

But there is a third party whose interests also should be looked after, and they are the poor ratepayers of Garden Reach.

As I was saying, I know the stiff proposition I am up against in the shape of this alliance between the Port Trust and the Corporation; it is a formidable alliance, and it is difficult for me, perhaps almost impossible, to surmount this obstacle. But, within the last few days, something else has been added to this obstacle; the bogey of the Hindu-Moslem question has been most unfortunately raised in this connection. It has been said that, because the majority of the Garden Reach ratepayers are Muhammadan, therefore the Hindus ought not to stir a step in this direction. I say that this is a lamentable and most unfortunate thing. During the last 30 years there has been no Hindu-Moslem question in Garden Reach and no communal riot has taken place there. If to-day, to serve a temporary purpose or to gain an accidental advantage in a division, we start a danger that does not exist, that danger will ultimately recoil upon those who have started the mischief. Let not such people congratulate themselves as if they have done something very clever; they have only defeated their object by raising the communal bogey. They will live to rue for it afterwards and the ruin and confusion that will follow will recoil on their own heads.

Maulvi ABUL KASEM: The history of the Garden Reach Municipality and fresh legislation about it is an old one. Many members of the House will remember that when the late Sir Surendra Nath Banerjea of revered memory wanted to draw up an Act for the constitution of the Calcutta Corporation it was never his idea to include Garden Reach within the limits of that municipality, but it was more or less an accident—or shall I say by a fluke—that Garden Reach was included in spite of the protests of the people of that area. An assurance was given by the then Minister-in-charge, the Hon'ble Sir Surendra Nath Banerjea, that as it has already been done let it be worked for a few years and if the people of Garden Reach felt it to be inconvenient or not to their advantage, then steps would be taken to separate that municipality from the municipality of Calcutta. Unfortunately for the people of Garden Reach and unfortunately for the people of India in general, Sir Surendra Nath Banerjea did not live long to see how it worked, but all the same the administration of the Corporation of Garden Reach has proved unsatisfactory and this is an admitted fact. The people of Garden Reach and their sympathisers in the Legislature were not inactive or silent. Sometime back my friend Dr. Abdulla Suhrawardy introduced a Bill in this House for the separation of Garden Reach from the Calcutta Corporation, the Bill was passed in this House but the then Government, under the influence of the Calcutta Corporation, which, as my friend Mr. J. L. Bannerjee has said, is a rich and powerful body and which played the game behind

the scenes nullified it. The assent of the Governor was refused and it did not become an Act. Then again another Bill was introduced in this Council and, what is more, a select committee sat on it and reported but still there is that opposition.

In these days we hear a good deal both in this country and elsewhere about self-determination and choice of our own system of government. We want India to have the right to choose its own constitution; we in this country all demand in one voice and in one unequivocal voice that we ought to have the right to decide what should be the form of government in this country. May I ask our leaders, the leaders of the Calcutta Corporation and Members of Government, to give the poor people of Garden Reach the same right of self-determination if they think that that specific system of government will be to their advantage?

4-15 p.m.

It has been said that it is a great honour to be included to-day in the great Municipality of Calcutta. I myself am not much enamoured of the Calcutta Corporation. Fortunately for me I do not live here but for the few days I do come, I find that the poorer municipalities manage their house much better than the prosperous Calcutta Corporation. Sir, whether it is good or whether it is bad for the people of Garden Reach to own a noble relationship with Calcutta, it is their interests and convenience that should be considered. The simple relationship does not help us much. We have been told by the Minister that Government had an opportunity of examining the report, but had no opportunity of examining it with the opinion of the Calcutta Corporation on it. May I ask the Hon'ble Minister, since the passing of the Bill in this House, which was introduced by Dr. A. Suhrawardy, and all these few years an agitation has been going on in this country for the separation of Garden Reach, have the Government ever taken any interest in the matter, have they inquired into the matter? It was only when this present Bill was introduced that Government, as a dilatory matter, in order to see that the evil day be postponed for some time, at any rate that the separation shall be postponed for some time, thought as an emergency measure of appointing a committee presided over by Mr. S. W. Goode. Fortunately for the people of Garden Reach that committee took their work very seriously and its report as Mr. Bannerjee, who has studied the question very carefully, has said conclusively proves that it is desirable and necessary and fair to the people that Garden Reach should be separated from Calcutta. But I cannot understand the anxiety of the Calcutta Corporation to have Garden Reach included in its jurisdiction. It has been said that an old woman came to one of the Kings of India and said "I have been

placed in a distant part of your Empire and I have a grievance." The King said "It is not possible for me to inquire into your grievance as you are so far away from me." The old woman replied "Keep no more territory than you can manage well." May I ask the Calcutta Corporation that they should not extend their jurisdiction beyond the area which they cannot look after and give the amenities of civic life. It has been proved from time to time that in spite of the fact that there has been attempted legislation from time to time, this legislation has failed simply because the Government did not give its consent. Well, the Calcutta Corporation never took any steps to remove the grievances of the people of Garden Reach. I am surprised to find that the Port Commissioners of Calcutta and the European members of this House are so fond of the civic administration of the present Corporation of Calcutta that they do not like the idea of Garden Reach being taken out of the jurisdiction of this great Corporation. That is their business, but as Mr. Bannerjee has pointed out, that view is quite wrong. I submit that under these circumstances justice, equity and right, demand that relief should be given to the people of Garden Reach, and relief in the form of separation. My friend Mr. P. N. Guha, a nominated member of the Calcutta Corporation, takes upon himself the responsibility of saying that the Calcutta Corporation thinks this and that. But I submit that the opinion of the Calcutta Corporation is of very little weight. If you are guided by the opinion of the Calcutta Corporation in the matter of this separation, then I think the people of India ought to accept the opinion of the Right Hon'ble Mr. Winston Churchill on the future constitution of India.

Mr. W. H. THOMPSON: I beg leave, Mr. President, Sir, to appear before you on behalf of the third party defendant in this case, and on behalf of that party to pray for an adjournment to give time for the consideration of that party's position. As you are aware, Sir, the original suit for partition was filed against the Government and the Corporation of Calcutta. I appear on behalf of the Calcutta Improvement Trust which only discovered when the Goode Committee published its report that it also had been a party to this case, and that a claim was being made upon the Trust to meet an expenditure for the improvement of Garden Reach. The Goode report suggested that a gross expenditure of some Rs. 83 lakhs—a net expenditure of something like Rs. 60 lakhs—should be spent on Garden Reach, and that the Calcutta Corporation should supply a lakh and a half for 30 years. In the meantime, without the point of view of the Improvement Trust being considered for one moment, the Trust were requested to put up all the rest of the money. I would correct Mr. J. L. Bannerjee when he says that of Mr. Goode's proposal for Rs. 83 lakhs, the service only would be Rs. 4 lakhs a year, the Corporation would put up Rs. 1½

lakhs of this, and the Government Rs. 2½ lakhs. Nothing of the sort. To begin with Rs. 4 lakhs would only serve a loan of Rs. 50 lakhs and Government did not propose to put up anything; the Improvement Trust was expected to put up all the money in the first instance and to be recouped only in part and gradually by the Corporation's payment of Rs. 1½ lakhs for 30 years. When Mr. J. L. Bannerjee refers to what Mr. Swan said in the Corporation, the other day, he was a little unfair to Mr. Swan for he did not suggest that the Improvement Trust was unwilling to lend its resources to help Garden Reach. What he did say was that the Trust would find it difficult at once to embark on a scheme for Garden Reach without upsetting its immediate programme which includes such important matters as finishing Central Avenue up to the northern end of the town, opening up Burra Bazar and so on. Mr. Swan on working it out came to the conclusion that though something like Rs. 60 lakhs would be the ultimate expenditure on the project of running such a road through Garden Reach as would open it up to civilisation, not more than Rs. 50 lakhs would be the expenditure within the next five years, or at least within the first five years after the Trust embarked on the project. The service of this Rs. 50 lakhs would be about Rs. 4 lakhs a year, of which the Improvement Trust would receive a lakh and a half from the Corporation, as suggested by Mr. Goode. The Improvement Trust has many schemes in hand at present, schemes laid out, and schemes which are in course of being prepared, and in order that its programme should not be entirely upset by having this new scheme thrust upon it, Mr. Swan suggested that the service of the remaining Rs. 2½ lakhs to make up the Rs. 4 lakhs to cover the service of the necessary loan, should be temporarily (for the first five years) put up by Government so that the Improvement Trust could get on with its programme. The scheme for the improvement of Garden Reach is not at all, as Dr. Naresh Chandra Sen Gupta suggests, to make a garden city for rich men. If he read the Goode Committee's report carefully, he would see that the suggestion all through has been to acquire only just the minimum, as little land as possible besides what is actually wanted for the road. The idea is to open up Garden Reach with as little expenditure as possible by running roads through it and giving it a drainage system with its own outfall.

Rai Bahadur Dr. HARIDHAN DUTT: Sir, I regret I must oppose the amendment moved by my hon'ble friend, the Minister for Local Self-Government. I am also opposed to the Bill of Dr. Naresh Chandra Sen Gupta in the form in which he has introduced it. To make my position clear, I would like to take the Council through the earlier discussions briefly relating to this matter. The question of the extension of the boundaries of Calcutta was discussed by a Corporation Special Committee in 1918 and we then definitely held the view in the

Corporation that the extension towards the south had gone far enough and beyond a modification of the boundaries in connection with the existing docks, we did not recommend any further extension southwards because in our opinion the area was mostly rural in character. Even the Boundaries Commission, presided over by Mr. S. R. Das in 1922-23, did not recommend the inclusion of the whole of Garden Reach. The idea was only to take in the new dock area, and the Corporation agreed to make to the Garden Reach Municipality for 10 years an annual payment equivalent to half their net loss by reason of the inclusion of the Port Commissioners' new dock area in Calcutta. It was estimated that the income which the Garden Reach Municipality was deriving from the Port Commissioners was Rs. 63,000 and their expenditure over this area was Rs. 12,000, leaving a surplus of Rs. 51,000. On the basis suggested by the Corporation, the Corporation would have had to pay to the Garden Reach Municipality Rs. 25,500 for ten years. In the Council, an amendment was moved to include the whole of Garden Reach and this was carried by a majority of two votes only. Even this was possible only because two members, as they stated subsequently in the Council, went to the wrong Lobby by mistake.

The agitation for the separation of Garden Reach has been almost continuous since 1924 when the area came under the control of the Corporation and it has been kept up all these years. It must be noted, however, that of the rates realised by the Garden Reach Municipality, which Mr. Goode's Committee has estimated at nearly Rs. 7 lakhs, about Rs. 5 lakhs is contributed by the Port Commissioners, nearly a lakh and a half by large industrial holdings, the smaller ratepayers being responsible for about Rs. 62,000 only. The Port Commissioners and the owners of large industrial holdings wish to remain in Calcutta and I see no reason why the wishes of the people who contribute 6¼ out of a total income of Rs. 7 lakhs, should be disregarded merely in the interest of a large number of small ratepayers who contribute not more than about Rs. 62,000 a year. The position is that the smaller ratepayers sincerely want to cut themselves adrift from Calcutta, but the Port Commissioners and the owners of mills and factories wish to remain in Calcutta. If we exclude the whole of Garden Reach as suggested by Dr. Naresh Chandra Sen Gupta in his Bill, we would be ignoring the wishes of the Port Commissioners and others who contribute the bulk of the revenue. If, on the other hand, we retain the whole of Garden Reach in Calcutta, we would be ignoring altogether the strong local feeling which is undoubtedly prevailing in the rural portion of Garden Reach in favour of separation. The obvious course in the circumstances would be to let those who are desirous of staying in Calcutta remain in Calcutta and let go those who are desirous of cutting themselves adrift.

This is the obvious solution which, in the presence of the divergent interests and claims, suggests itself to us. But there are other reasons apart from local sentiments why this solution of the difficulty seems to be the most feasible. A Special Committee of the Corporation who recently considered the recommendations in Mr. Goode's Committee's report, have indicated some of the reasons as to why the docks should remain in Calcutta. I reproduce them below:—

"(*a*) In the interests of sanitation and public health a uniform code of rules has to be enforced and observed throughout the Port Area. This is possible only if it is in one municipality.

(*b*) The interests of Calcutta are bound up with the interests of the Port and if any portion of the Port Area was kept insanitary and should happen to come under the quarantine regulations, the whole of the Port would suffer. It is, therefore, as much to the interests of the Corporation of Calcutta as to Garden Reach itself that the area should be brought up to the level of Calcutta in point of sanitation and other amenities of municipal life.

(*c*) The Corporation are likely to carry out substantial improvements more quickly than the Garden Reach Municipality is likely to do.

(*d*) The Corporation have incurred a very heavy commitment in the mater of water-supply and cannot retrace their steps."

While these arguments afford a clear justification for the retention of the dock area, they do not afford any grounds for continuing to keep the rural area of Garden Reach in Calcutta. The very fact that Mr. Goode's Committee have found it necessary to suggest special treatment in the matter of rating and in the matter of improvements, shows that the conditions and interests of this area are not the same as those of the other parts of Calcutta and it requires special protection and statutory safeguards. That in itself, I submit, is an argument for separating the rural area. Another reason for excluding the rural area is that the area of Calcutta, as it now stands, is much too large for efficient administration by a large body as the Corporation is at present. No elaborate argument should be necessary in support of this as several of the members of the Council have some knowledge of the system of working in the Corporation through committees, etc., and it will not be difficult for them to realise how difficult it is to carry on any administration and keep it up at a reasonably high level of efficiency over an area extending from Baranagar to Matiabrus.

Coming now to the amendment of my friend, I feel, I must oppose it because it leads us to nowhere. My friend suggests that we should postpone consideration of the matter until July, pending an examination of the report of the committee appointed by Government to advise

on the grievances of the ratepayers of Garden Reach. One of the recommendations of this committee is that the Calcutta Improvement Trust should be required to carry out improvements as regards roads and drainage, the Corporation being required to pay annually for 30 years to the Improvement Trust, Rs. 1,50,000, the Improvement Trust finding the rest of the money required to meet the cost of the scheme. The two authorities who are most interested in this matter are the Corporation of Calcutta and the Calcutta Improvement Trust and they have both made suggestions which practically make it impossible to accept the recommendation of the Government committee. The Corporation have stated that they are in favour of the whole of Garden Reach remaining in Calcutta, but they want that Government and the Port Commissioners should contribute towards the cost of the improvements to be carried out.

The Improvement Trust on their side have pleaded their inability to finance an improvement scheme for Garden Reach to the extent required and have asked Government to help them with a contribution for five years. If Government do not agree to contribute, the position will then be that neither the Improvement Trust nor the Calcutta Corporation are in favour of the recommendations of Mr. Goode's Committee, and such being the position I do not see what we will gain by postponing consideration of the Bill pending an examination of the recommendations contained in a report which, apparently, nobody seems to like. As regards the other recommendations of Mr. Goode's Committee, the Corporation Special Committee have whittled down several of them and the Corporation have not even accepted the recommendations of their own committee but have guarded themselves by saying that they do not commit themselves to any detail and will express their opinion when an official Bill is received. I have now made it sufficiently clear that we do not gain anything by postponing consideration of the matter for an examination of the recommendations of Mr. Goode's Committee as neither the Improvement Trust nor the Corporation are apparently willing to accept the principal recommendation without taking on to it what appear to me to be impossible conditions under the present circumstances.

Moreover the Improvement Trust have not been able to carry out for financial reasons the main purpose for which a Trust was created, *viz.*, the improvement of Burrabazar and I do not see with what justification we can call upon them to undertake new responsibilities in Garden Reach and in other places when the full programme of improvement works in Calcutta proper has not been carried out. Then again, from a note circulated by the Chief Accountant of the Corporation to that body in connection with the discussions on this matter I find that he has stated that the Corporation would not be in a position to make

out of revenue the annual contribution of Rs. 1,50,000 to the Improvement Trust and another Rs. 25,000 to be earmarked for petty works of improvement in Garden Reach as suggested by Mr. Goode's Committee.

Taking all these factors into account I do not see why we should be anxious to hold on the whole of Garden Reach when we know that we cannot spend money on its improvement without detriment to the interests of the city proper, and if we cannot improve the area, I say we have no moral justification to retain the area merely for the sake of an ideal.

The only solution in the circumstances is to allow the rural portion to go out of Calcutta and to let the docks remain in Calcutta, subject to the payment of a subsidy by the Corporation to make up for the loss of revenue which the rural area will incur as a result of the exclusion of the dock area, following the suggestions which were made by the Corporation in 1923. I have tabled amendments on these lines and I shall move them when my turn comes, but for the present I feel bound to oppose the amendment for deferring consideration until July next on account of a report which nobody seems to like and which the two local authorities vitally affected seem to agree to only on impossible conditions.

4-30 p.m.

Dr. NARESH CHANDRA SEN GUPTA: I want to say————

Mr. PRESIDENT: Do you want to make a reply?

Dr. NARESH CHANDRA SEN GUPTA: No, Sir. I want to say that I am prepared to accept the amendment of the Hon'ble Minister, and while doing so I might explain that I do so not in the hope that he will come up with a Bill embodying the recommendations of the Goode Committee————

Mr. PRESIDENT: Do I understand you to withdraw the motion?

Dr. NARESH CHANDRA SEN GUPTA: No, Sir. I want to accept the amendment of the Hon'ble Minister.

Mr. PRESIDENT: You may signify your willingness to do so, but, it is really for the House to decide whether it should or should not be accepted.

Mr. P. N. GUHA: I had hoped that Dr. Sen Gupta would withdraw his motion. In any case, Sir, I have been attacked twice by my friends before I have opened my lips. The whole thing is under

examination, and the parties chiefly interested are the Corporation of Calcutta, the inhabitants of Garden Reach, and the Port Commissioners. The question is a very intricate one. We here and also in the Corporation of Calcutta have agreed that the people of Garden Reach have certain grievances and that those grievances should be removed, but whether those grievances should be removed by a legislation of this nature or by legislation of a different nature is the question that has got to be considered, and that is why I want this matter to be postponed. There is one other matter which my hon'ble friends opposite should note, *viz.*, that the separation of the Garden Reach area will mean the creation of a small municipality under the Bengal Municipal Act. I need not impress upon the members opposite that the Calcutta Corporation is the only institution in Bengal which is entirely autonomous and which is not in any way under the control of Government. In trying to get Garden Reach out of the jurisdiction of the Calcutta Corporation, you are going to place it under a condition in which the local Government will have a very large voice in its affairs. That is a point which I want the gentlemen opposite to note. I am not either for or against Dr. Sen Gupta's view, but what I want to impress on the members is that the matter requires further consideration. And even if the principle of separation is accepted, I submit that the provisions in the Bill are not sufficient to remove all the grievances of the people of Garden Reach. The facts brought out by the Goode Committee and by the Special Committee of the Corporation require that certain provisions should be made in the Bill even if the principle of separation is accepted. I, therefore, submit that the consideration of this matter should be postponed. It would be better still if it is withdrawn. I appeal to Dr. Sen Gupta to withdraw it.

Mr. J. CAMPBELL FORRESTER: Mr. President, Sir, I think it would be unthinkable to separate Garden Reach from Calcutta. I was appointed by the Corporation a member of the Special Committee to consider the recommendations of the Goode Committee. We took to our work very seriously, and we submitted an exhaustive report. We practically accepted the Goode Report excepting one or two small items. Our report was accepted by the Corporation. It will, therefore, appear that the Corporation is practically committed to the retention of Garden Reach within the Calcutta Municipality. There are many arguments that can be advanced in favour of the retention of Garden Reach within Calcutta, one thing that weighed with me most was the fact that the taxation of the poor was greater, but if the Goode Report is accepted, combined with the report of the Calcutta Corporation, then taxation will be less than it was previous to Garden Reach being united to Calcutta.

Now, Sir, I have heard the arguments which had been advanced here for the separation of Calcutta and that the Calcutta Corporation have been doing nothing towards the improvement of Garden Reach. It is hard to reconcile the arguments that are put forth by those in favour of separation. One of our Councillors the other day in the Corporation Chamber stated that one of the reasons for separation was that the people of Garden Reach do not want good roads or good latrines and the other amenities of Calcutta but want to remain as they were before the inclusion; then you have one of the members of this Council stating that they do want good roads, good drainage and good lighting, it seems that the advocates of separation are hard put to it for arguments in favour of separation. I would ask the House to remember that the inhabitants of Garden Reach are at the present time enjoying all the advantages of our public paths and lakes, our libraries and dispensaries without paying for these amenities.

Then, Sir, as regards the matter of taxation, you have got to remember that there are two large mills, as well as King George's Dock and these practically pay the whole of the taxes, which practically pay up the whole of the taxation except perhaps Rs. 40,000 or Rs. 50,000 which amount is realised from the population of the rural area. The mills and Port Commissioners realise that if they had remained as part of a small municipality as they were before they were included in Calcutta they would have paid much less, but they are prepared to pay the excess, as they recognise that by this sacrifice they are going to reap the benefits in the near future. Then, it has got to be remembered that King George's Dock is practically within Calcutta. If you had an outbreak of plague or smallpox it would be a quarantine port and thus create great difficulties in Calcutta—Calcutta with its experienced organisation on municipal management is more likely to prevent this state of affairs than Garden Reach, it being a small municipality.

Therefore, Sir, the question that weighs mostly with me is that there is no increased taxation on the poor if Mr. Goode's report is adopted.

It has been said that we in the Calcutta Corporation have done nothing for Garden Reach. I would refer the members of this House to the report that has been issued by the committee appointed from the Corporation to consider Goode's report and this will show what improvements we have effected. Besides, what we have already done and what money spent, we are committed on the question of water-supply extension, drainage, lighting, and other measures of sanitary improvement. All the arguments that I have heard on behalf of the separation of Garden Reach are, in my opinion, shortsighted and have a motive of self-interest behind them. If we look to the municipalities

of the large cities all over the world, we find that they have eventually swallowed up the smaller ones—it is a natural advancement that cannot be stopped.

Babu JITENDRALAL BANNERJEE: On a point of order, Sir. Is the member right in saying that there is a motive behind the idea of separation?

Mr. J. CAMPBELL FORRESTER: Sir, I said that it was my impression.

Babu JITENDRALAL BANNERJEE: Sir, it is not a question of impression, but of making a definite charge. Whatever impression Mr. Campbell Forrester may have, he has no right to make a definite charge like that.

Mr. PRESIDENT: I think Mr. Campbell Forrester's remarks were of a sweeping character.

Babu JITENDRALAL BANNERJEE: I think out of decency he should withdraw these remarks.

Mr. J. CAMPBELL FORRESTER: Sir, I made those remarks merely as a passing statement that it was my impression. If there is any offence given, I am really sorry.

One word more and I am finished. I do not wish to detain the House any further beyond saying that if we look at the history of the large central municipalities in England we find that the larger ones have swallowed up the smaller ones. And my own personal experience is that eventually the smaller ones, after a little time, saw the wisdom of this and were proud to be called the citizens of the larger cities.

Rai Bahadur KESHAB CHANDRA BANERJI: Mr. President, Sir, although not personally interested in this Bill, coming as I do from a distant part of East Bengal, yet having regard to the important issues involved, I desire to say a few words regarding the Bill which to all intents and purposes seems to be unnecessary and uncalled for. I will now give my reasons for the same. Being connected for nearly a decade with the administration of a premier municipality in this province, I can foresee what the consequences of the proposed separation will be; it will only have the effect of depriving the rate-payers and residents of Garden Reach area of the amenities of civic life which they are enjoying at present although not in so marked a degree as might be expected. It had been my privilege to visit the areas and from what I saw I am definitely of opinion that if the Bill

under discussion is passed, the little improvements that have been effected during the past seven years that Garden Reach has been under the administration of Calcutta Corporation will be stopped and the whole area will lapse back into its former condition. In these days of improvements and progress, it would be a retrograde measure to separate the said areas from the Calcutta Corporation.

The income of the Garden Reach Municipality was about Rs. 1,80,000 so far as my information goes, before the areas came under the management of the Corporation of Calcutta. The improvements that have been effected, *viz.*, the lighting of the streets with electricity, coal-tarring of important thoroughfares, establishment of primary schools, maternity centre, grants-in-aid to middle English schools, etc., will go for nothing as it will not be possible for the new municipality of Garden Reach to maintain them at their present level of efficiency.

A glance at the Budget figures of the Calcutta Corporation will satisfy the hon'ble members of this House that the consolidated rates levied in the Garden Reach area are Rs. 9,05,000 out of which Rs. 5,00,000 (approximately) represents taxes on account of the King George's Dock. Out of the actual collection of Rs. 8,55,000, as is evident from the budget estimates of the Corporation for 1930-31, a substantial portion is spent by the Calcutta Corporation on the provision of civic amenities for the residents and ratepayers of Garden Reach. If a separate municipality is constituted at Garden Reach, the prospects of improvements with the meagre income of the municipality will be remote.

Looking into the statistical returns, it will be found that there has been a distinct improvement in the sanitary and the general health conditions of the people of Garden Reach under the administration of the Corporation. The expert advice that the residents of Garden Reach can now get will be denied to them if the areas are separated as proposed.

I do, therefore, strongly support the proposal of the Hon'ble Minister to postpone the consideration of the Bill till July next so that we may examine the provisions of the Bill more fully in all its aspects and thereby come to an agreed settlement of the question. It is a question of five months and I do not think the residents and ratepayers of Garden Reach will be the worse for it if they wait for five months only. With these words, I oppose the consideration of the Bill.

Dr. NARESH CHANDRA SEN GUPTA: Sir, I have heard nothing in the course of this debate which has in any way tended to convince me that there is a case against the Bill which I have had the honour of placing before this House. The Hon'ble Minister has proposed that

the consideration of this matter be postponed by a few months. I feel that the long suffering people of Garden Reach might possibly consent to such a postponement rather than accept the help which has been offered by my friend, Dr. Haridhan Dutt. While he was speaking on this motion I was indeed tempted to cry to be saved from my friends. The people of Garden Reach have got grave grievances and they want to be separated from Calcutta; but they do not want to be treated in the way Dr. Dutt wants to treat them, *viz.*, to take away their purse and turn them adrift after giving them a dole. Well, Sir, I do not believe in doles: I do not believe in this sort of treatment. If you are satisfied that the Garden Reach people have grievances which have got to be redressed and that there is no better remedy than the one which has been suggested, then the only course is to restore them to the *status quo*. Dr. Dutt has satisfied the House that the recommendations made by the Goode Committee, however good they may be, have not the slightest chance of being translated into action—and for this I thank my friend. After his eloquent words I have heard nothing to satisfy myself that there is the slightest chance of the recommendations materialising within 5, 10 or say 20 years. If that be so, I think there is a very strong case, an unanswerable case for the separation of the Garden Reach area. If I prefer to go with the Hon'ble Minister rather than with my friend, Dr. Dutt, it is not because I have any apprehension that the Minister would be able to produce such a scheme which will be satisfactory to the people of this area, but in the hope that when he has realised in the course of these few months the desperate character of the effort he will himself be induced to come to my side. I hope he will never go over to my friend, Dr. Dutt.

Now, Sir, much has been said on this matter. My friend, Mr. Abul Kasem, has referred to the principle of self-determination; and there is no doubt that in a matter like this the will of the people of the locality ought to count for a great deal. The people of that locality have in no unmistakable terms expressed their opinion for separation. On the other hand, Mr. Campbell Forrester points out that the poor people living in this area pay only a small portion of the tax. So they need not count. I wish that the members of the House will give no countenance to this purse-proud mentality which looks down upon the poor.

5 p.m.

The poor may not pay much in taxes but they are the men who count: And their voice is certainly as much entitled to be heard as the voice of the bloated rich. We have often seen that people—poor people living in a certain locality have attracted the attention of some commercial magnate or some big limited company who thought that

the place they were inhabiting was good for some commercial enterprise. These commercial people then came and occupied the place—started municipalities—provided amenities to the people, but as time went on the locality was swallowed up by mills, etc. My hon'ble friends who have spoken in that strain are apparently biding their time till they can swallow up Garden Reach and drive away the people who have been living there for generations past.

An argument has been made that if the Garden Reach area is allowed to remain as a municipality constituted under the Bengal Municipal Act it would be a hot-bed of cholera and smallpox and it would continue to be a menace to the city of Calcutta and to the whole province. I do not know that the mufassal municipalities are inefficient agencies for the prevention of cholera and smallpox. There are municipalities in mufassal and there are corporations besides the Corporation of Calcutta. They are managing their affairs fairly satisfactorily—at any rate, there has not been a case in which a municipality failed to check the spread of smallpox and cholera. For the matter of that do you not have cholera and smallpox in Calcutta? Why, I think we have more smallpox in Calcutta than anywhere else in other municipalities. However, if such a thing comes to pass—let us suppose that such a calamity befalls Garden Reach and the situation is created which the people of that locality fails to cope with with their meagre finances—then it would be in the interest of the city of Calcutta—it would be in the interest of the people of Bengal—to come to their rescue. The provincial revenues should come to the aid of the municipality, the expert assistance of the Government officers should be afforded to the municipality to cope with the situation. If a situation like that arises, the Government of Bengal cannot be sitting idle, the Public Health Department cannot be sitting idle and I am sure even the Hon'ble Mr. Marr will not shut up his purse strings. Well, Sir, these are altogether imaginary terrors, and I consider that all these imaginary terrors should not stand in the way of doing justice to the people of Garden Reach; and on the strength of this imaginary terrors a bare act of justice to the people of Garden Reach is sought to be prevented and if anybody comes forward to speak for the poor people and plead for doing justice to them we are to be told that there is something behind that, he has some self-interest in the matter. I know, Sir, that that is the mentality which may be associated with a certain nation who are proverbially incapable of doing anything without self-interest but a mentality with which we are not very much familiar. What ground had Mr. Campbell Forrester to indulge in a fling like this? What ground has he to impute selfish motives to us? Is there anything in the antecedents of any one of us to justify this unworthy insinuation? Is there anything substantial upon which you are justified to make this what I may call an unmanly attack?

Sir, Mr. Campbell Forrester may be surprised to hear it but we sometimes do things without any self-interest—we sometimes do feel for the poor and when we feel that an act of injustice is going to be done to the poor we do not hesitate to raise our voice against it. We do not count our pounds, shillings and pence in that connection.

My friend, Rai Bahadur Keshab Chandra Banerji, has commented upon the proposal that the separation of the Garden Reach area is a retrograde measure. I should have thought that a person who has been so intimately associated with municipal life of a mufassal municipality which is not a part of the Calcutta Corporation should be so partial to the Calcutta Corporation as to damn all mufassal municipalities. Merely because a municipality happens to be governed by the Bengal Municipal Act and not by the Calcutta Municipal Act it does not follow, as my friend would think, that it will not be able to function efficiently.

Rai Bahadur KESHAB CHANDRA BANERJI: I simply said that with a separate municipality it will not be possible for Garden Reach to effect such improvements as are possible if it chooses to remain under the Calcutta Corporation.

Dr. NARESH CHANDRA SEN GUPTA: Sir, arguments like that leave me cold when I see what the Calcutta Corporation has done for the Garden Reach area. Rai Bahadur Keshab Chandra Banerji has seen the locality—has seen the conditions of the people there and yet he thinks that the Calcutta Corporation have been doing great things for them. Sir, I beg leave to say that I would prefer to agree with the Hon'ble Minister than with Rai Bahadur Dr. Haridhan Dutt.

[Here the member having reached his time-limit, resumed his seat.]

Mr. P. N. GUHA: May I have your ruling on the point—in case the Hon'ble Minister's proposal is accepted does Dr. Naresh Chandra Sen Gupta's Bill automatically fail or it can be revived again in July?

5-15 p.m.

Mr. PRESIDENT: The amendment in any case cannot kill the Bill outright. Dr. Sen Gupta moved for the consideration of the Bill and if its consideration is put off by the amendment before the House, the net result of it will be that until Dr. Sen Gupta again moves for the consideration of the Bill in another session, the Bill will stand where it stands to-day.

Rai Bahadur Dr. HARIDHAN DUTT: Sir, if the amendment is carried can he move for consideration before July next?

Mr. PRESIDENT: No.

The motion that the consideration of the Calcutta Municipal (Amendment) Bill be deferred until July pending examination of the report of the committee appointed to advise on Garden Reach together with the views of the bodies concerned, was then put and a division taken with the following result:—

AYES.

Bal, Babu Lalit Kumar.
Bal, Mr. Sarat Chandra.
Ballabh, Rai Bahadur Debendra Nath.
Banerji, Rai Bahadur Keshab Chandra.
Barma, Rai Sahib Panchanan.
Basu, Babu Jatindra Nath.
Basu, Mr. Narendra Kumar.
Blandy, Mr. E. N.
Bose, Mr. S. M.
Burai, Babu Gokul Chand.
Burn, Mr. H. H.
Chatterjee, Mr. B. C.
Chaudhuri, Babu Kisheri Mohan.
Clark, Mr. I. A.
Cohen, Mr. D. J.
Coppinger, Major-General W. V.
Cooper, Mr. C. G.
Dain, Mr. G. R.
Das, Babu Satyendra Kumar.
Das, Rai Bahadur Kamini Kumar.
Dash, Mr. A. J.
Sasson, Mr. G. A.
Parequi, the Hon'ble Khan Bahadur K. G. M.
Fawcus, Mr. L. R.
Forrester, Mr. J. Campbell.
Gangali, Rai Bahadur Sushil Kumar.
Ghose, Dr. Amulya Ratan.
Ghose, Rai Bahadur Sasonka Comar.
Ghuznavi, the Hon'ble Alhadj Sir Abdelkerim.
Gilchrist, Mr. R. N.
Gordon, Mr. A. C.
Guha, Babu Prafulla Kumar.
Guha, Mr. P. H.
Gurner, Mr. C. W.
Hussain, Maulvi Latafat.
Hutchings, Mr. R. H.
Khan, Mr. Razaur Rahman.
Luke, Mr. N. R.
Maguire, Mr. L. T.
Maiti, Mr. R.
Marr, the Hon'ble Mr. A.
Miller, Mr. C. C.
Mitter, the Hon'ble Sir Provash Chunder.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Mullick, Mr. Mukunda Behary.
Nag, Babu Suk Lal.
Nag, Mr. K. C.
Nag, Reverend G. A.
Nandy, Maharaja Srie Chandra, of Kasimbazar.
Nazimuddin, the Hon'ble Mr. Khwaja.
Norton, Mr. H. R.
Philpot, Mr. H. C. V.
Poddar, Seth Hunuman Prasad.
Prentice, the Hon'ble Mr. W. D. R.
Raikat, Mr. Prosanna Deb.
Rai Mahasai, Munindra Deb.
Ray, Babu Nagendra Narayan.
Ray Chaudhuri, Mr. K. C.
Ray Chowdhury, Babu Satish Chandra.
Reid, Mr. R. N.
Ray, Babu Haribansa.
Ray, Babu Satyendra Nath.
Roy, Mr. Baileswar Singh.
Ray, Mr. Sarat Kumar.
Ray, the Hon'ble Mr. Bijay Prasad Singh.
Sahana, Babu Satya Kinkar.
Sarkar, Rai Sahib Rebati Mohan.
Sen, Rai Sahib Akshoy Kumar.
Singh, Srijut Taj Bahadur.
Sircar, Dr. Sir Nilratan.
Stapleton, Mr. H. E.
Sumner, Mr. C. R.
Travers, Mr. W. L.

NOES.

Ali, Maulvi Hassan.
Baksh, Maulvi Shaik Rahim.
Bakshi, Maulvi Syed Majid.
Banerji, Mr. P.
Bannerjee, Babu Jitendralal.
Chaudhuri, Khan Bahadur Maulvi Alimuzzaman.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Chaudhuri, Maulvi Syed Osman Haider.
Choudhury, Maulvi Nurul Absar.
Choudhury, Haji Badi Ahmed.
Choudhury, Maulvi Abdul Chani.
Ennuji, Maulvi Nur Rahman Khan.
Fazlullah, Maulvi Muhammad.
Hakim, Maulvi Abdul.
Haque, Khan Bahadur Maulvi Azizul.
Hashemy, Maulvi Syed Jalaluddin.
Hoque, Kazi Emdadul.
Hosain, Nawab Musharruf, Khan Bahadur.
Hossain, Maulvi Muhammad.
Huq, Khan Sahib Maulvi Bazlul.
Karim, Maulvi Abdul.
Kasem, Maulvi Abul.
Khan, Khan Sahib Maulvi Muazzam Ali.
Khan, Maulvi Tamizuddin.
Lal Muhammad, Haji.
Mocherjee, Mr. Syamaprasad.
Rahman, Maulvi Azizur.
Rahman, Mr. A. F.

Rahman, Mr. A. F. M. Abdur-
Ray, Mr. Shanti Shekhareswar.
Rout, Babu Hemmi.
Roy Choudhuri, Babu Hem Chandra.
Samad, Maulvi Abdus.
Sarkar, Sir Jadunath.
Sen Gupta, Dr. Naresh Chandra.
Shah, Maulvi Abdul Hamid.
Sulaiman, Maulvi Muhammad.

The Ayes being 73 and the Noes 37, the motion was carried.

The Calcutta Municipal (Amendment) Bill, 1930.

Rai Bahadur Dr. HARIDHAN DUTT: I beg to move that the Calcutta Municipal (Amendment) Bill, 1930, be taken into consideration.

Sir, when the Calcutta Municipal Act, 1923, was passed it was thought that the purity of some of the staple articles of food of the Indian people was ensured in Calcutta. We were those who were closely associated with the passing of the same Act since it was in the stage of a draft Bill and went away satisfied in this respect. But, Sir, it is a matter of great regret that our dream was soon broken. It is true that since the introduction of the stringent sections meant for ensuring the purity of mustard oil in the Calcutta Municipal Act, those who were concerned in the trade of that commodity thought that no adulteration was possible but they tried to meet the public demand for pure mustard oil by producing edible oil and bringing that before the public for their consumption. But soon these people discovered some flaws in our Act and for this my lawyer friends are not a little responsible. These lawyers and traders conjointly discovered that if mustard oil was sold in the name of edible oil any amount of adulteration was possible in spite of its prohibition in the Calcutta Municipal Act, without putting them within the net of law. When the Act was in the draft form the flaw escaped us and hence all this disappointment.

In 1924, when the Act came into force, as I have already said, there was in the beginning a remarkable movement to ascertain the constituents of certain food articles and in 1925 the Corporation of Calcutta appointed a sub-committee to recommend to Government the declaration of the normal constituents of certain articles of food. That committee consisted of nine chemists of eminence as follows:—

Major A. D. Stewart of the Bengal Laboratory.
Dr. B. N. Ghose.
Dr. R. V. Briggs, Public Analyst.
Dr. H. K. Sen, University College of Science.
Dr. E. L. Watson, of Messrs. D. Waldie & Co.
Mr. H. Cooper.
Mr. J. H. Harris, of Messrs. D. Waldie & Co.
Dr. B. Das, Professor of Applied Chemistry, Jadavpur Engineering College.
Dr. R. B. Khambata, Public Health Laboratory.

With the help of these eminent chemists and as a result of their valuable researches the normal constituents of some of the food articles were laid down and Government accepted them by notification No. 735, dated the 20th March, 1928. But by a notification No. 739 the Government informed the Corporation that Government were unable to prescribe a standard for any edible oils and fats until the necessary standardisation work was accomplished. Since then the purity of mustard oil has become a perfect myth in Calcutta. Under section 407 of the Calcutta Municipal Act, 1923, mustard oil must be sold pure. The vendors do not declare that they are selling mustard oil but they declare it as edible oil. The introduction of the words "edible oil" in paragraph *h* (*vii*) of section 407 of the Act has created a serious difficulty in checking the adulteration of mustard oil. The definition given in clause 28, section 3, is extremely vague. When the food inspector comes across a suspicious sample of adulterated mustard oil and offers to take a sample, the vendor declares it to be edible oil. Most of the mill owners have applied for licence of their mustard oil factories and mills as edible oil factories under section 408 of the Act. Many mill owners have fixed up sign-boards of "edible oil" while they in truth go on manufacturing adulterated mustard oil. If my friends go about the streets of Calcutta with their eyes open they will find that practically there is no mustard oil mill or factory but that all such factories have been converted into edible oil mills; in fact the words "mustard oil" have been struck off and replaced by the words "edible oil."

I learn from the Health Officer of Calcutta that there are only two registered mustard oil mills or factories at the present moment in Calcutta, and there are 68 edible oil factories in this city. In these factories adulterated mustard oil is prepared under the designation of edible oil. Prosecution for this preparation cannot lie as the standard of purity cannot be laid for the same. Sir, this is a serious defect. I have already said that Government have declared the standard of purity of articles of food mentioned in section 407 of the Act and some others also under section 422 of the Act but not that of edible oil. It is perfectly clear that under the present state of chemical knowledge it is not possible to lay down a standard of purity for edible oil as defined in the Act. The difficulty becomes more intensified when attempts are made to lay down a standard in cases of mixture of oils. The Corporation Analyst, Dr. T. K. Ghose, who has vast experience in these matters, tells me that in the present stage of analytical organic chemistry a standard for the mixture of oils cannot be laid down. In the midst of these difficulties I have tried to bring about a workable compromise by attempting to define clearly "edible oil" as the existing definition under section 3 (*28*) is vague, as I have already said.

If the definition as suggested in the Bill be accepted and if the vendors be compelled to put up a label under bye-law 478 (*55*) declaring the nature of the articles then the food inspector will be in a position to take samples and the analyst will be able to test its purity in accordance with the standard laid down for that article, and necessary action might be taken for the prevention of adulteration.

It must be remembered that at present no sample of edible oil can be taken by the food inspector and as there is no standard of purity laid down no prosecution can be instituted. Practically the work in connection with the prevention of adulteration of mustard oil is perfectly at a standstill in this city. Food inspectors realise that their efforts are of no avail. In the absence of any standard for edible oil the Corporation cannot refuse to register edible oil factories which are in reality adulterated mustard oil factories but are actually registered as edible oil factories under section 408 of the Act. If my amendment is accepted———

Adjournment.

The Council was then adjourned till 2-30 p.m. on Friday, the 13th February, 1931, at the Council House, Calcutta

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Council House, Calcutta, on Friday, the 13th February, 1931, at 2-30 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh), in the Chair, the Hon'ble Mr. A. Marr, C.I.E., the Hon'ble Sir Provash Chunder Mitter, KT., C.I.E., the Hon'ble Mr. W. D. R. Prentice, C.I.E., the three Hon'ble Ministers and 115 nominated and elected members.

Starred Questions

(to which oral answers were given).

Dhalleswary River.

***63. Rai Bahadur KESHAB CHANDRA BANERJI:** (*a*) Will the Hon'ble Member in charge of the Irrigation Department be pleased to state whether dredging and bandalling operations were carried out by the steamer companies in the Dhalleswary during the last cold weather?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state who paid the cost and what was the amount of expenditure incurred in connection therewith?

(*c*) Is it a fact that certain portions of the banks of the river have eroded owing to the said bandalling, causing thereby financial loss to the landowners?

SECRETARY to GOVERNMENT, IRRIGATION DEPARTMENT (Mr. H. C. V. Philpot): (*a*) Yes.

(*b*) Government paid Rs. 17,500 to the Joint Steamer Companies for bandalling operations carried out during 1929-30. Government paid to the Joint Steamer Companies half the cost of dredging by the dredger "Alpha" of the shoals of the Dhalleswary and Buriganga, viz., Rs. 4,403. The other half was borne by the Steamer Companies.

(*c*) It is a fact that erosions of the banks have occurred, but the bandalling cannot be held responsible for them. The river Dhalleswary is unstable, and erosion occurs during the flood season when no bandalling is done.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to state whether there is any arrangement for inspecting the work of bandalling before money is advanced?

Mr. H. C. V. PHILPOT: I must ask for notice.

Dum Dum Cantonment station platform.

*64. **Babu PROFULLA KUMAR GUHA:** (*a*) Is the Hon'ble Member in charge of the Public Works (Railways) Department aware that the platform of the Dum Dum Cantonment railway station is very low and causes inconvenience to passengers in embarking and alighting from trains?

(*b*) Is it a fact that in reply to the letter No. R./15, dated the 20th July, 1930, from the President, Dum Dum Passengers' Association, the Agent in his No. 600 T./7—T.A.C., dated the 7th September, 1930, stated that the work will be taken in hand in due time?

(*c*) Will the Hon'ble Member be pleased to state when the railway authorities propose to take the matter in hand?

(*d*) Are the Government considering the desirability of drawing the attention of the railway authorities to this matter?

(*e*) Is the Hon'ble Member aware of the growing importance of the station?

MEMBER in charge of PUBLIC WORKS (RAILWAYS) DEPARTMENT (the Hon'ble Mr. A. Marr): (*a*) and (*b*) Yes.

(*c*) When financial conditions improve.

(*d*) Their attention has been drawn to the matter.

(*e*) Yes.

Prohibitory order against Mr. Subhas Chandra Bose's entry into Malda district.

*65. **Mr. SHANTI SHEKHARESWAR RAY:** Will the Hon'ble Member in charge of the Political Department be pleased to state the special conditions in the Malda district which necessitated the issue of orders prohibiting the entry of Srijut Subhas Chandra Bose?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): The District Magistrate believed that Mr. Subhas Chandra Bose's entry into Malda district was likely to be attended with unlawful demonstrations, meetings, picketing and other

activities of the civil disobedience movement and might cause obstruction, annoyance and injury to other persons and disturbance of the public tranquillity.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state whether the District Magistrate consulted the Government before issuing the order?

The Hon'ble Mr. W. D. R. PRENTICE: No.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state whether there had been any untoward circumstances at any of the places where Subhas Bose visited in the last two months during his tour?

The Hon'ble Mr. W. D. R. PRENTICE: I am not aware of any such incidents.

Mr. SHANTI SHEKHARESWAR RAY: Can the Hon'ble Member state whether the District Magistrate apprehended any trouble?

The Hon'ble Mr. W. D. R. PRENTICE: Yes, as I have stated in reply to the original question.

Unstarred Questions

(answers to which were laid on the table).

Deputy Registrar, Appellate Side, High Court.

38. Babu GOKUL CHAND RURAL: (*a*) Is the Hon'ble Member in charge of the Judicial Department aware that the post of the Deputy Registrar, Appellate Side, in all the High Courts, except the Calcutta High Court, is held by members of the Provincial Judicial Service?

(*b*) Is it a fact that the Calcutta High Court Retrenchment Committee in their report recommended the post of the Deputy Registrar, Appellate Side, to be held by a member of the Bengal Judicial Service?

(*c*) Are the Government considering the desirability of taking some steps with a view to securing the post permanently allotted to the Bengal Judicial Service or to members of the Bar?

(*d*) Have the Government been addressed on any occasion by the Bengal Judicial Service Association on the subject?

(*e*) If the answer to clause (*d*) is in the affirmative, when and what action has been taken on the matter?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) Government have no information on this point.

(*b*) No. In paragraph 105 of the report it was stated:—"As regards recruitment for this post, we are of opinion that the first qualification is the capacity to control a large office. The possession of legal qualifications is an added advantage, and while we do not wish to rule out the appointment of a thoroughly competent officer of the court, the legal profession or the Bengal Civil Service would seem more suitable sources of recruitment."

(*c*) No. The appointment is made by the Chief Justice under clause 8 of the Letters Patent.

(*d*) No.

(*e*) Does not arise.

Assam-Bengal Railway Advisory Committee.

37. Babu SATISH CHANDRA RAY CHOWDHURY: (*a*) Is the Hon'ble Member in charge of the Commerce Department aware—

(*i*) that the Mymensingh-Bhairabbazar section of the Assam-Bengal Railway used always to be represented on the Assam-Bengal Railway Advisory Committee by a member nominated by the Government from the members of the Legislative Council representing Eastern Mymensingh; and

(*ii*) that no such nomination was made since the last election of members to the Legislative Council?

(*b*) Are the Government considering the desirability of nominating a member to the said committee from Eastern Mymensingh at an early date?

MEMBER in charge of COMMERCE DEPARTMENT (the Hon'ble Mr. A. Marr): (*a*) (*i*) and (*ii*) No. The Mymensingh-Bhairabbazar section of the Assam-Bengal Railway has never been specifically represented on the Assam-Bengal Railway Advisory Committee.

(*b*) No.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Member be pleased to state who were the members of the committee since the last election of the Council?

The Hon'ble Mr. A. MARR: I do not know.

Motion for an adjournment of the Business of the Council.

Maulvi SYED JALALUDDIN HASHEMY: I beg leave to move that the business of the Council be adjourned for the purpose of discussing a definite matter of urgent public importance, namely, the high-handedness of the police in having made *lathi* charges on and in assaulting peaceful and unarmed processionists headed by Mr. Subhas Chandra Bose, Mayor of Calcutta, at the *maidan*, on the 26th January, 1931.

Sir, there are occasions when human speech is inadequate for giving expression to the strong and virile feeling which rises uppermost in the mind. This is such an occasion before me to-day. I can understand it when a man breaks the skull of man. I can also understand when a man shoots a man—kills a man under the gravest provocation, but I cannot understand it when a man, a white sergeant, a semi-white man, breaks the skull of a man without the slightest provocation. I do not condemn the action of the police like many others inside and outside this House; I know perfectly well they are beyond our control and beyond correction. I do not hold any of the officials responsible in this matter. I do not hold even His Excellency the Governor or the Home Member in charge of the Police Department responsible, because I think the Government of Bengal has ceased to function altogether. All I can say, and I can boldly say is that this is the Government of Sir Charles Tegart, this is Police raj, and I can say this is *Lathi* raj all over Bengal, and particularly in Calcutta. I know they must rule harshly, but the responsibility is not ours, it is theirs. All I can say, if I am allowed to say, is that I hold Sir Charles Tegart directly responsible for the dastardly murder of innocent men like Mr. Lowman and Colonel Simpson and others, because if I know the mentality of Bengal I can say this much that they are not naturally violent and it is only under the outrages and violence of the police that they have become temporarily violent. So I say, Sir, that all that is now happening is due to police outrages and police excesses. The other day I had unfortunately to witness all that happened before my eyes. Mr. Subhas Bose dropped me on the 26th of January at just 1 p.m. to my place and proceeded to Corporation office. I went to the Corporation office just at 3 o'clock and at quarter to four I proceeded to the *maidan*, and I saw to my amazement that the whole *maidan* was filled with people. It seemed to me that there would be no *golmal*, but just at 4 o'clock the police made *lathi* charges on the people standing below the Ochterlony Monument. My friend Mr. Mosahebali Khan, M.A., the late lecturer of Arabic at the Calcutta University, was praying near the Monument and I was not allowed to wait there till he finished his prayer. After a few minutes a procession headed by Subhas Bose was seen coming down to Corporation Street and came up to the corner of the shop of Messrs. Whiteaway, Laidlaw & Co. I cannot say anything

about the legality or otherwise of the order of the Commissioner of Police, whether they apprehended a breach of the peace or obstruction of any sort, but I say this much that last year this festival took place at Deshbandhu Park, and I had the honour of reading the declaration on behalf of the Congress, and this year also this annual festival was to be held, but I do not know why Mr. Kiran Sankar Roy and others were detained in their houses under a police guard, though they were subsequently let off. The action of the police was not understood by me; they might have gone up to the Corporation office and arrested Subhas Bose there or when he came out of the Corporation office before he proceeded to the *maidan;* but they did not do this purposely; they wanted to make a trial of strength on the *maidan*, and to disperse the meeting there, so when the procession came up to the corner of the road and crossed it there was a *lathi* charge and innocent people were injured. I was present when there was a procession to escort the Speaker of the Assembly who was coming from Howrah; on that occasion also police made *lathi* charges on the innocent public. Here in Calcutta on this occasion a *lathi* charge was made on innocent public and there were also 200 to 300 galloping horses who charged the crowd, never less than that. Subhas Bose with his small procession, had no weapon in his hands, and I will say to this House there was even no slipper on his foot to hurt any police officer. He was in a mourning garb at the head of the procession in front of Whiteaway, Laidlaw's shop, even then they did not try to stop him; at the crossing of Chowringhee the police like so many mad dogs, fell upon him and began to charge the procession with *lathis*. (Cries of "Shame, shame.") I was bewildered when I saw sergeants on galloping horses charging the crowd, and fearfully awaited to see people killed under the feet of the horses, but to my utter astonishment, none were so killed. I saw with my own eyes the *lathis* that fell on Subhas Babu's body, a person no less than the Mayor of Calcutta, once a member of this House and a political leader of Bengal. I also saw with my own eyes the *lathis* that fell on the head of Babu Kshitish Prosad Chatterji, Educational Officer to the Calcutta Corporation. I then proceeded to the Congress Hospital to see my friend Mr. Chatterji. (A VOICE: Who is he?) He is the Educational Officer to the Calcutta Corporation; the whole of his body was soaked with blood, his *punjabi* and *chaddar* all quite red. The case of the venerable lady, wife of Mr. Nagendra Nath Sen, whose head was broken by the police in broad daylight on the public streets at Khulna will not be out of place if I mention it in this connection. The answer which was given by the Government to a question put by me the other day in that connection is really disgraceful. I cannot conceive of a more unsatisfactory answer than that to hide the cowardice of the police.

Now, Sir, the question arises why without rhyme or reason on this particular occasion, when that celebration, that festival, took place all

over India and nowhere were there any clashes with the police; and everywhere the procession passed off peacefully, here in Calcutta Sir Charles Tegart took a different line. I believe that this action was taken to terrorise the people, and I believe, the Government gave him a free hand to do everything he could and this is an example of the step he took, and his example, I believe, is followed everywhere not only in Bengal, but outside Bengal.

I will conclude my speech by saying a few words more. The other day Captain Dutt was present there with his ambulance car; he is the Secretary of the Congress Hospital; he might have apprehended some trouble; Mr. Jitendralal Bannerjee will bear me out in this; Dr. Dutt was also injured and his wrist was broken. Miss Jyotirmoye Ganguli, out of a feeling which is natural to her sex, tried to protect the head of Subhas Babu and she was also hurt severely when the *lathi* charges were going on. In Bengal generally it is the Indian Police who do not take such an active part as the white police on such occasions. The Indian Police make temperate use of their *lathis* while the white police realise the full value of their *lathis* on such occasions.

You talk of settlement; you talk of sincerity, you talk of good will and co-operation in the face of all these things. If you will take my advice, if you have any influence, any power, I ask you to reject all these things. In the face of all these circumstances, all these declarations are mere hoax—mere jugglery of words.

[Here the member reached his time-limit and resumed his seat.]

Mr. S. M. BOSE: May I be allowed to say a very few words to explain why I wish to support this motion? Before sending in a requisition for the Town Hall meeting held to consider this matter, I took special pains to learn the actual facts, and nothing that has subsequently transpired has altered my opinion that the police should not have assaulted Mr. Bose and his companions. It is perfectly true that they were engaged in breaking the law, but the clear remedy was not assault but arrest at the earliest possible opportunity. I can assure the Home Member that many of us here realise that in many cases the police are placed in a very difficult position. Their task is a very disagreeable, and an unpleasant one. In any government, the police will have to carry out orders, and take all possible measures to preserve the public peace. Their position is made all the more difficult by the attitude of hostility and suspicion on the part of the public. But making every allowance for all this, I say that the action of the police was not justified. Perhaps for that we ourselves are somewhat to blame. It is a well known fact that if you all start calling a man a rogue and scoundrel and repeat this thousands of times the man is made to believe he is really one and then he is inclined to act as such.

But I would appeal to my countrymen, especially to my friend who has just spoken, not to allow these incidents to be made too much of to the exclusion of thoughts for the progress of the country. This will be only playing into the hands of our friends the enemies who would like nothing better than that these should make us turn away from devoting our attention to the new scheme of Swaraj now being mooted. If we were to be diverted from our main object by these pin-pricks—rather *lathi* pricks—then nobody would be more glad than the Die-hards, the last ditchers. Rather let us here highly resolve that we shall do our best to etsablish speedily Government of the people by the people, which would make it impossible for a repetition of these unfortunate incidents. When we have real responsible Government, the police will be under our control and they will be actuated by the spirit of the Minister-in-charge who will be responsible to us. So I appeal to all to concentrate attention upon the real issue before the country.

3 p.m.

Mr. NARENDRA KUMAR BASU: I do not want to use any strong language on an occasion like this. In fact no strong language is called for. A mere repetition of the facts within my personal knowledge, and the facts which appeared in the subsequent proceedings in court, I believe, will be enough for this House, even for the Government members, if they are allowed to vote independently, to vote with us in this.

On the 27th January about 11-30 I was asked in my professional capacity to go and see Mr. Subhas Chandra Bose in the lock-up. I may tell you at once that he was a perfect stranger to me; I had not seen him before in my life. I went there at about 12 noon. Fortunately one of the police officers whom I saw, immediately on my arrival at Lalbazar in my car, made it easy for me to get the Commissioner's permission for me to interview Mr. Bose. I have to thank him (Mr. Robertson) for this. I was taken to a room downstairs in the building which is behind the Commissioner's office, the long building which runs almost from Lalbazar to Chitpore Road. On the ground floor of that building on the western side where the Assistant Commissioner sits, I got into a room where I was asked to wait. After a few minutes Mr. Bose walked in accompanied by a sergeant. I had never seen the man before and I was absolutely astonished and surprised to see the young man in the mourning garb of the Hindu, coming with his *chaddar* and shirt absolutely besmeared with blood. This was at about 12-40 a.m., that is to say about 20 hours or more after the gentleman had been arrested. His shirt and his *chaddar* were smeared with blood. He could walk with great difficulty, and he was evidently in great pain. I found that he was carrying his

right hand and forearm in a sling. I looked at him, and I found that three fingers of his right hand were very much swollen. He had a very big bruise on his right wrist, and another bruise on his left elbow. There were two marks of fractures—one just over the forehead and another in the middle of the head. The first thing that I told Mr. Bose when I met him was that I was a lawyer and was so and so, and I asked him what had exactly happened, even though I knew that he would probably resent being defended. The next question I asked him was "How was it that he had not changed his blood-stained clothes?" I also asked him what his medical attendants had told him. Mr. Bose told me that he had not been allowed any change of clothes, and he did not know whether a change of clothing had been sent from his house. I was told by his people that a change of clothing had been sent to him the previous night, but this change of clothes was not allowed to him. I asked Mr. Bose how he came to be wounded, and he told me this—there is absolutely no reason to disbelieve the statement of a man of his standing and to believe the statement of a *paharawalla*, or Deputy Commissioner or Commissioner for that matter in preference to his—that after the procession had proceeded along the Corporation Place to the Corporation Street and had crossed over to Chowringhee, a police officer came up to him and asked him not to proceed further. He said that he would not listen to it and that he would go on. He had just crossed Chowringhee and reached the place between Chowringhee and the road which runs to Kidderpore—just on that bit of turf—a mounted sergeant with a *lathi* came up and began to strike him. The first one or two blows fell upon him, when others came up and shielded him. He was then arrested. This is the whole story of the assault on Mr. Subhas Chandra Bose. I need not dilate upon this fact, as my friend Mr. S. M. Bose has already told the House that it is certainly within the competence of the police to use force in such cases, but I submit that that force should always be commensurate with the needs of the occasion. And if Mr. Bose, as has been stated by police officers in court, offered no resistance or obstruction, the use of *lathis* and the breaking of heads were certainly unjustifiable—not only unjustifiable but inhuman. I will tell you what the policemen themselves say about this affair. I may tell you at once that when the case of Mr. Bose was tried by the Magistrate, there was no defence—and you are all aware of this. But there were many witnesses examined on behalf of the police. Not one of them said that Mr. Bose was assaulted. I need not dilate here upon the conduct of the Chief Presidency Magistrate before whom Mr. Bose was produced in blood-stained clothes. He had no word to say about it either in his judgment or anywhere else.

I shall now give some details from the court proceedings. Prosecution witness No. 3, A. K. Robertson, on oath said: "Mr. Bose

came to the crossing of Corporation Street and Chowringhee when I went up to him and told him he could not proceed further. He had flowers round his neck. I served him with a copy of the order." As he was not cross-examined, I must take it as gospel. Mr. Robertson continued: "He refused to obey and pushed his way forward up to the middle of the crossing. I told him that he was not to proceed. He came on to Chowringhee Road itself. I had the crowd dispersed under the orders of the Deputy Commissioner who was present there. I took Mr. Bose into custody at the crossing and took him off to Lalbazar." There was not a word about any violence by any person or any brickbats being thrown. What Mr. Robertson said is this: "As I was proceeding along Chowringhee, a number of brickbats came flying into the taxi. My fountain pen was broken to bits." This happened according to his statement after Mr. Bose was arrested. The other man, I am ashamed to say, a countryman of mine—the Deputy Commissioner B. N. Bannerji—said this: "I ordered the Assistant Commissioner to arrest Mr. Bose and take him down to Lalbazar. There was a bit of a melee at the time of Mr. Bose's arrest, and brickbats came flying on to the police from the Curzon Garden side." Sir, even if this statement be true, there was no procession from the Curzon Garden side, and I submit that you cannot possibly hold the procession responsible for that. That was made absolutely clear in the judgment of Mr. Roxburgh himself. He says: "As was to be expected, once there was contact with the police, force was used by the crowd, bricks were thrown from the Curzon Garden direction, and, further, bricks were thrown after the arrest." Well, even if brickbats were thrown, after the arrest from the Curzon Garden side, and they seem to have been brickbats of the non-violent kind which smashed fountain pens only, I submit there was no authority for any one to break the heads of the people. Sir, these are the findings of the Magistrate on the statements of the police officers themselves. They were not cross-examined, and I have said already, I take it that they were speaking the truth.

I shall close by drawing the attention of the Hon'ble the Home Member and the other European members—British members—of Government and the British members of the Council to what Richard Cobden said so long ago as 1852—

"If God really rules this Earth, as I solemnly believe He does, upon the principle of a self-acting retributive justice, then British doings in India involve a serious reckoning with us or our children. And assuredly the day of reckoning will come."

You may think that that day has not come during the last 70 or 80 years, but the time is near at hand, and remember that the mills of God though they may grind slowly, grind exceedingly small.

Dr. NARESH CHANDRA SEN GUPTA: Sir, I feel a sort of embarrassment in speaking what I feel in regard to the incident which is the subject matter of this motion, because, Sir, the staggering outrages which have been committed by some of our young men, who are not capable of taking a philosophical view of these incidents like us older people, in some measure tie our tongues. I feel that we must be very cautious in saying what we feel. Sir, I shall say at the outset that I am not in love with these demonstrations, with these celebrations of an independence which we have not attained, or with the wishes for the long life of a revolution which has yet to come. At the same time, Sir, because some people took into their head to celebrate independence without any real chance of any breach of the public peace, without any interference with the liberties and amenities of life of the people at large, it does not follow that the police were justified in assaulting people. Sir, there seems to be a feeling in one quarter of this House that the police and the Government have got to take into account each and every breach of the law. I am sure, Sir, that Sir Charles Tegart, an experienced policeman that he is, does not take that view of his functions—he cannot have such an absurd view of his functions. Well, Sir, here was an incident which might have been easily ignored. If that could not be done, there were a hundred other ways by which the dignity of law could have been maintained without doing any real harm to anybody. All the persons responsible for the affair might have been easily lodged in jail without taking recourse to assaults and breaking of heads. Sir, we have heard details of the occurrence from persons who were in a position to give them. There cannot be any doubt that there was not the ghost of a justification for the assaults.

But, Sir, there is the story of the brickbats. I expected that brickbats would be there; whenever there is an assault by the police, the inevitable brickbats are there. Sir, we had great difficulty in swallowing most of these brickbats in the past, but on this present occasion it would stick in the throat of the most gluttonous credulity for the simple reason that one would not get brickbats for the mere asking at that particular spot where the incident took place. And, as Mr. Basu has pointed out, these brickbats were so peaceful and so non-violent that they did not hurt any policeman's skin. Then, Sir, these brickbats did not come before the assault but afterwards, according to the version of one of the policemen themselves.

Sir, this story of the brickbat recalls to my mind a great many stories which we have listened to in this House in answer to questions put by some of us. And my memory turns back to a time about a quarter of a century ago when a great Chancellor of my University rubbed it into us, young graduates, who had gone to take our degrees, that mendacity was a monopoly of Asiatics and Indians and the

European was the embodiment of all truth. If Lord Curzon had lived here to-day and listened to all the stories that were told on the authority of European officers of the Government, he would have found that this great monopoly of ours has gone the way of other monopolies and has been completely appropriated by his countrymen.

3-15 p.m.

Once in a time you come across an Englishman who would not lie, but then, he is departmentally dealt with for letting the official cat out of the bag.

The Government have winked at all excesses of the police and have even gone the length of decorating the offenders. And, what is more, though the Government issued no confidential circulars and the District Magistrates never gave any instructions to the subordinate magistracy, the ordinary courts of law have by a mysterious consensus shut their ears to complaints against the police. All this may suit the purpose of the Government just now, but they will have to pay for it in the long run. The comparative integrity of the police is a tender plant of recent growth, gently nursed by a long course of treatment. It will have withered away before the Government has done with its business of killing Civil Disobedience. And then, they will find themselves left with a police confirmed in habits of reckless inequity now begotten which the Government will shudder to look at.

But I forget that by that time Mr. Prentice and Sir Charles Tegart will be far away, enjoying their pensions in their cool homes and the popular Government which they will probably leave behind will have to stew in the juice made for them.

Babu SATISH CHANDRA RAY CHOWDHURY: Sir, it is a very unpleasant duty after the Premier's declaration to come to-day before this Council and condemn the Government of the day in Bengal. But it is a duty which we have got to perform, however unpleasant it may be. We have listened and listened with attention to the narration of events given by direct eye-witnesses of the occurrence and I feel tempted to repeat the words of the poet—breathes there a man with soul so dead, breathes there a man within the province of Bengal whose heart would not flutter and whose blood would not stir to hear of the inhuman assaults committed on Srijut Subhas Chandra Bose—one of the most beloved sons of Bengal—the one man in Bengal who is revered and respected more than anybody else—the one man in Bengal who has got the power to-day to effect a reconciliation—the one man who holds an office, the dignity of which is only second to that held by the representative of the King in Bengal. Such a man was belaboured on the *maidan*, Calcutta, under the very eyes of the authorities—a spectacle which was certainly not edifying particularly when it came

after the historical and memorable declaration of the Premier. The Hon'ble Member doubted whether this is a matter of a sufficient and an urgent public importance. Sir, in one sense I agree with the Hon'ble Member because these occurrences have become so very common now-a-days in Bengal that they have ceased to be of any importance or of any urgency. But except for this reason I do not see how this particular question can be passed over lightly at this time. What is the attitude of the public in these days? Their representatives in this House have declared in no uncertain terms their approval of the declaration of the Premier. The *bona fide* of the House cannot be challenged. We have no sympathy whatever with those who want to break the law in order to bring about a change in the existing state of things. We are prepared to extend our hands of fellowship to those noble Britishers who are trying to help us either here or in England. But an occurrence such as happened in Calcutta the other day is not a thing which we can ignore. It is the duty which we must perform because we owe it to the country. We have to convert our constituency to the decisions of the Round Table Conference. So we want our hands to be strengthened and they must be strengthened by the responsible Members of Government. The other day we were very much delighted to hear the Hon'ble Mr. Prentice's declaration that as Members of Government they are prepared to help the realisation of our ideals. I believe in the "steel frame" so long as it can adjust itself to the plan of the whole structure, but when the "steel frame" wants to control the whole construction, then I say you have really no use as you have no respect for the Premier's declaration and for the ideals held up before you by the Premier. The onus lies with you to prove that you have adapted yourselves to the policy underlying the Premier's declaration. Your attitude seems to be that we must come forward for your help—we must behave like good children—we must be prepared to co-operate and then you will see what you can do for us. But, Sir, the Premier did not make any such condition. The Premier made no such condition when he set before us his noble ideals for the future Government of India. He said repression must go once for all; you cannot repress a whole population; repression will no longer be of any avail. These are words which are ringing in our ears. My hon'ble friend, Mr. Narendra Kumar Basu, said the other day that declarations have been made times without number, but we want acts not words. Promises have been made to the ear and broken to the heart. Sir, the other day in opening the Council, His Excellency the Governor quoted the words of Lord Macaulay that it would be a proud day for England when she sees her institutions introduced into India and working with success. Sir, we have got a Viceroy than whom a more sympathetic Ruler never came out to this country and who in trying circumstances is doing something which will remain long in our memory. He declared in His Speech at the European Association,

Calcutta, the other day that no Government action, however drastic it may be, can stop this trouble. It can only be stopped by force of public opinion. Sir, these words should be written in letters of gold behind the Treasury Bench. Sir, I must warn the members of Government that they must be very cautious in these days. Do not kill the Premier's declaration by your *lathi* charges or your bayonet charges. The time has come for us to take our bold stand upon the proclamation of the beloved Queen Victoria of undying memory. We take our stand now on that and on the declaration of the Premier and we shall ask you—the Members of Government—to regulate your conduct in such a way as to show that you are really anxious to help us in the spirit of that declaration. It appears there are men like Mr. Travers who do not believe in placing responsibility in the centre. We have no quarrel with them for their opinions, but I honour Mr. Travers when, in spite of his opinion, he declared on the floor of this House that he would help in the working of the constitution, whatever it is. Sir, I can give you instance of a very higher officer of Government—a Commissioner of a Division—who is working in the spirit of the declaration. He was out on tour in a mufassal town where on certain buildings national flags were hoisted. One of his subordinate officers pointed out the flags to him and asked his permission to bring them down. But the Commissioner said after the Premier's speech, it is no use taking the flags down. He could not go against the spirit of the Premier's declaration. This is the spirit which I want to see introduced in the actions of all Government officials. It should no longer be their business to pull down national flags. All that they should try to do now is to plant your Union Jack by the side of the national flags as a symbol of the union of the two great people.

3-30 p.m.

I regret to note, Sir, that there has not been such a change of heart in the general body of Government officers, which is the main thing required at the present moment. Sir, the incidents of the 26th January have a peculiar significance coming as they do immediately after the Prime Minister's declaration. Sir, we are on the threshold of a momentous experiment and there are reactionaries who do not want that we shall have responsible government and they want to wreck it. If the Hon'ble Member promises that such treatment will not again be meted out to our people, I shall be ready to ask the mover of this adjournment motion to withdraw his motion, but it is probably not within the power of the Hon'ble Member to give such promises. And that is why we consider it necessary that the Bengal Legislative Council ought to record its opinion upon these incidents and by passing this adjournment motion we want to show to the whole of India and, if possible, to England and Englishmen including the Prime Minister,

that things in Bengal are not what they should be, and that his declaration runs the risk of being wrecked not on public opinion but on the conduct of local officers here. For this reason and for this reason only and not out of any vindictive spirit that this adjournment motion has been moved and I expect that every member will join the mover in giving expression to the views of the House and prevent a recurrence of such incidents and bring about an atmosphere so that the proposed constitution may be given a start with good will all round.

The Hon'ble Mr. W. D. R. PRENTICE: I can assure the last speaker that my views on the general question are exactly the same to-day as they were a few days ago when I spoke on the resolutions of Mr. S. M. Bose and Mr. J. N. Gupta. I hope that when I have finished stating the facts leading up to this unfortunate occurrence, he will at least realise that Government did act on the Premier's declaration and did everything possible to avoid the prosecution of Mr. Subhas Chandra Bose or of anybody else. I am prepared to give the full history and to state exactly what happened.

As regards the actual incidents of the afternoon of the 26th January, Maulvi Jalaluddin Hashemy has given you his account, but I know that there is another gentleman, a non-official member of this House, who was present at the time and who had also seen the occurrence. He will give you his account; it is rather difficult to reconcile the two, but it will be your duty to see which view you will accept. I will also read the official report submitted by the Deputy Commissioner of Police, South Division, about Mr. Subhas Bose's arrest, the same evening, so that you will also have the police report before you. And here I would say that I regret extremely the shameful and unwarranted attack that Mr. N. K. Basu made on his fellow countrymen, a distinguished Indian officer, for doing his duty in very difficult circumstances.

Mr. NARENDRA KUMAR BASU: On a point of order. Is it permissible for a Hon'ble Member to say that it is a matter of shame that I should characterise the conduct of a police officer in any way I liked while I dealt with records?

Mr. PRESIDENT: That particular word is not parliamentary, I quite agree, but if I remember aright, Mr. Basu, you yourself said you were ashamed of that particular officer. So I think the blame lies with you and the Hon'ble Member has really followed your footsteps.

The Hon'ble Mr. W. D. R. PRENTICE: In commenting on the action of the police while arresting Mr. Subhas Bose, Mr. Jalaluddin Hashemy observed that on that day there were about 200 or 300

mounted police near about Curzon Garden. The actual number present was 40. If the accuracy of the observation of that gentleman on this point is any indication of the accuracy of his observation on other points, I suggest that if we divide what Mr. Jalaluddin Hashemy has said by seven, we may get somewhere nearer the real facts.

The first point I would deal with is what happened which led up to the issue of the order by the Commissioner of Police forbidding meetings and processions on the 26th January. Mr. Jalaluddin Hashemy has said that Independence Day is a festival day, a day of festival in which the people of the whole of Calcutta are to unite in rejoicing. Unfortunately from the point of view of those who are responsible for law and order and from the information which came into our hands, a different state of affairs was revealed. For we had convincing evidence that a great demonstration was being planned for the 26th, with processions and meetings for which mill labourers were to be brought into Calcutta from the surrounding mill areas. There were to be vows of independence, and resolutions of remembrance in which murderers, mutineers and other persons disloyal to Government were to be glorified. Large numbers of leaflets were circulated or under preparation. I may just mention one instance. The police seized an order for no less than 37,500 copies of a leaflet calling upon all sorts of people to join in the celebration of the Independence Day. We know what trouble we have had in the past owing to the influx of mill labour into Calcutta and I think that without going into details of the information on which we acted, I can assure you that the police would have been neglecting their duty if the Commissioner of Police had not taken action forbidding the demonstration. He acted with our full approval which was taken before he acted. I think that Mr. Hashemy did not act up to the spirit of the resolution which the Council passed last Tuesday in making a personal attack on Sir Charles Tegart. But I will not deal with that side of his speech to-day. All I need say is that I can assure the Council that the Government of Bengal is not a police raj. For what happened on the 26th the responsibility lies with Government and not with Sir Charles Tegart.

But in coming to the decision which it took this Government was not plotting to go behind the spirit of the Premier's declaration. All the efforts of Government were directed to maintain that peaceful and calm atmosphere which is desired by all of us in order to facilitate a dispassionate consideration of the Premier's statement. All the efforts on the other side were directed to cause trouble and cloud the atmosphere and to render the efforts of Mr. J. N. Basu and the other delegates to the Round Table Conference of no effect. I think, therefore, that from this point of view also the action taken by Government in connection with the prevention of demonstration on the 26th was justified. But the primary reason why Government acted as they did was their

knowledge of what was being planned and their determination to protect the people of Calcutta and to prevent a large influx of thousands of people from the mill areas and the possibility of disturbances which might very seriously have affected the peace of Calcutta and of the rest of Bengal.

Having taken that decision, the Commissioner of Police issued the prohibitory orders under the Calcutta Police Act and took steps to have them served. One of the first persons who was served with that notice was Mr. Subhas Bose, because the information at the disposal of Government showed that whatever was being done in the matter of holding demonstrations was in accordance with the instructions and circulars of the Working Committee of the Congress. An officer was sent along to Mr. Subhas Bose's house and when he was admitted, handed Mr. Bose a copy of the order of the Commissioner of Police under section 62A. Mr. Subhas Bose inquired whether there was a warrant for his arrest and when he was told there was no such warrant, he said "All right, tell the Commissioner of Police that I am going to defy this order." That was an open declaration of war. Government might well have said "All right, you ask for war and you are going to have it." However, they considered that it was their duty to do everything possible in their power not only to maintain law and order but also to persuade Mr. Bose and his colleagues to drop their intention of disobeying the order, and to avoid a conflict on the 26th. Efforts were made to get into touch with Mr. Bose and finally an intermediary was secured and there were at first telephonic conversations between him and some Congress leaders. Later on, in the afternoon of the 25th, there was a meeting of certain members of the Congress and the intermediary at which the situation was discussed. As a matter of fact when we got into touch with the other party, we went out of our way to bring about a favourable atmosphere by communicating in advance to these leaders the secret information we had received about the intention of the Viceroy to release the members of the Working Committee, and we asked Mr. Subhas Bose whether in the altered conditions they would go on with this intended defiance of the orders. Finally after a long discussion and various telephonic messages, an arrangement was come to that one man should go off to Allahabad to see whether he could persuade the Congress leaders up there to allow the demonstration of the 26th to be called off. Meanwhile it was arranged that if the Congress leaders at Allahabad did not call off the celebration of the Independence Day on the 26th, preventive arrests should be made in Calcutta. For we were told by the leaders that if they were arrested there would be no trouble. The arrangement come to was that we would make preventive arrests of four leaders in their houses, who would be released in the evening when the danger was past.

3-45 p.m.

It was agreed that the Commissioner of Police should wait until 11 o'clock on the 26th before he took action, but as a matter of fact, further time was given and it was not until 1 p.m. that he did act. He then arrested three of the leaders, but the fourth, Mr. Bose, could not be found at his house. In spite of the request made to him by one of his friends, he refused to return home, and said that he was sitting as a Mayor in the Mayoral chair doing Mayoral business in the Corporation office. Obviously Mr. Bose could not be arrested there and so the arrangement for his preventive arrest fell through.

Meanwhile police arrangements had been made for the demonstration on the *maidan* and a large number of people collected there during the afternoon. The area round the Ochterlony Monument was generally kept clear, but finally a number of women forced their way in and were not interfered with by the police.

Somewhere about 4-20 p.m. Mr. Bose suddenly emerged from the Corporation office accompanied by a crowd of about 500 people and proceeded down Corporation Street towards the *maidan*. The Deputy Commissioner, South Division, who drew up a report immediately afterwards stated the facts as follows in that report: "About 4-20 p.m. a procession of about 500 headed by Mr. Subhas Bose suddenly came out from the Municipal buildings. Mr. Bose was also waving a tri-coloured flag. As the procession came down the *maidan*, it was joined by about 3,000 people from all sides. At the crossing of Chowringhee and Corporation Street, the procession was stopped by constables and mounted police————"

Babu JITENDRALAL BANNERJEE: What is the time and date of this report?

The Hon'ble Mr. W. D. R. PRENTICE: It is dated 26th January. No hour is noted.

Mr. NARENDRA KUMAR BASU: Does this also contain the report of the Medical Officer?

The Hon'ble Mr. W. D. R. PRENTICE: Attached to this is the report made by Major Mallya who examined Subhas Bose that evening at Lalbazar in the lock-up.

Mr. NARENDRA KUMAR BASU: The Deputy Commissioner does not explain any of the injuries.

The Hon'ble Mr. W. D. R. PRENTICE: The report continues "The Assistant Commissioner, South Town, distributed six copies of

the Commissioner's order to some of the people who were forming the bodyguard of Mr. Bose and explained to them that they could not go any further, and had to disperse. Instead of obeying the order, Mr. Bose rushed forward followed by the crowd, and came to the middle of the crossing on Chowringhee Road. The crowd started throwing brickbats and I directed the Assistant Commissioner to arrest Mr. Bose and take him to Lalbazar. This was accomplished with a great deal of difficulty as several of the persons present hung on to Mr. Bose's limbs, and it was after a time that he was conveyed in a taxi to Lalbazar."

This is the account of the occurrence and the arrest given by the Deputy Commissioner. It has been stated by one member that the police could have arrested Mr. Bose in the Municipal office. This was not possible, as he was not defying the police order there, but was carrying out his Mayoral duties in the Corporation office. It was not until he came out in the open and defied the Commissioner's order that he could be arrested.

As regards the police force available at the time, there were 100 constables, 40 sowars, 4 sergeants, 2 Inspectors besides the Deputy Commissioner, South, and the Assistant Commissioner, South. I would here correct Mr. Jalaluddin Hashemy's statement when he said there were 200 to 300 horses; there were only 40 horses.

I am perfectly certain myself, looking at the whole series of events which led up to the arrest of Mr. Bose, there was no intentional physical assault on Mr. Bose before he was arrested. For his injuries were slight as stated by Major Mallya in his report. Further the judgments of the Chief Presidency Magistrate and the High Court in the proceedings that followed, make it clear that brickbats were thrown at the police by the crowd, and that Mr. Bose was arrested subsequent to this attack on the police.

No one regrets the occurrence more than the Government, and I think all fair-minded members of the House will realise that the Government had done everything possible to prevent it and to secure Mr. Bose against the consequences of his own action. But he himself forced the occurrence on by breaking the agreement which had been arrived at and acting dishonestly both to the Government and to his fellow members of the Congress. Once the trouble began, the police was compelled to take action, and he cannot complain if he happened to be one of those who suffered injury while the crowd was being dispersed. But as only 26 cases of injury, only one of which was possibly serious, were reported from the hospitals and the police lock-up, the amount of violence used by the police could not have been very severe. And if Mr. Hashemy's statement about the mounted police galloping on to the crowd had been correct, the injuries would have been much more serious.

I was very glad to hear one of the speakers recognise that the police had a very difficult task before them, and that they exercised the greatest restraint. I venture to say that the facts which I have stated prove the police far from seeking an opportunity for a conflict did everything in their power to avoid it and finally had it forced upon them.

The occasion for an assault on Mr. Bose was not sought by the police or by Government, and if anything unpleasant happened to him on the 26th January, it was entirely the result of his own conduct. Government throughout acted in order to maintain a calm atmosphere, and in accordance with the spirit of the Prime Minister's declaration, and if their efforts failed, it was Mr. Bose and not the police who was responsible.

Babu JITENDRALAL BANNERJEE: Just a few words first, lest I forget. Mr. Prentice made great play with certain figures in the course of his remarks. He said that in all there were ten *plus* sixteen or 26 wounded persons. I have it on the authority of Dr. Narendra Nath Dutt, a medical gentleman in charge of the Congress hospital, who was present not very far from the scene of occurrence in charge of his ambulance corps,—I have it on the authority of Dr. Dutt that there must have been altogether 200 to 250 wounded persons, and out of these 200 to 250 persons, more than 150 had wounds on the head. This is on the testimony————

The Hon'ble Mr. W. D. R. PRENTICE: I am sorry, Sir, I have been misunderstood. I gave the figures ascertained by inquiry from the hospitals.

Babu JITENDRALAL BANNERJEE: Will the Hon'ble Member refrain from interrupting me, seeing that he has had a long innings already?

The Hon'ble Mr. W. D. R. PRENTICE: I was correcting a misstatement of fact.

Babu JITENDRALAL BANNERJEE: This statement of fact is made on the testimony of a very honourable person, a gentleman quite as reliable as a member of the Executive Council of the Government of Bengal.

Sir, I admit that Mr. Prentice's statement does make a certain amount of difference. It shows that the Government of Bengal were very anxious to prevent certain occurrences from taking place: but notwithstanding the very temperately worded statement of Mr. Prentice, nothing has been said which can modify our judgment or opinion concerning the most unfortunate incidents of that day. Sir, I shall follow Mr. Prentice's statement from point to point.

4 p.m.

Like an astute logician, he has sought to cloud the issues. He has asked us: "Granted certain contingencies happened, was the Commissioner of Police justified in taking precautionary measures or not?" No one could question the propriety of the preventive orders of the Commissioner of Police, provided certain contingencies had happened. But the question precisely is this, did the contingencies happen? That is one of my points. To-day we have heard that many mill-hands—the Hon'ble Member was careful not to give the figure—were preparing to march upon Calcutta. Sir, this story was stated a few days ago by a Calcutta journalist, at present at Delhi, who gave out that 300,000 unemployed mill-hands were preparing to march in force against Calcutta. But this formidable military expedition never materialised. Later on, during the course of the day, no trace of the unemployed mill-hands could be found. They had vanished suddenly—none knew where, none knew when—so that nobody could find a trace of them afterwards. I ask: "Where was the contingency then, about which the Hon'ble Mr. Prentice waxed so eloquent?" My second point is this: Supposing there was risk of danger and breach of the peace, why were not adequate preventive measures taken in time? And why were assaults resorted to? That is the real crux of the question which the Hon'ble Mr. Prentice has carefully avoided. He has not been able to deny that certain persons were assaulted. It is an admitted fact that the Mayor was assaulted, and that he bled from his wounds. The Education Officer of the Corporation was also assaulted, and he also had wounds. Babu Narendra Narayan Chakravarti had his head broken while attempting to save Mr. Subhas Chandra Bose. Captain N. N. Dutt had his wrist broken. You cannot explain away these injuries. These injuries were not mythical, neither did they vanish like the mill-hands of Mr. R. S. Sarma and the Hon'ble Mr. Prentice. What do you make of this, Sir? Another point to which I want to draw the attention of the House is the cold and calculated brutality of the police proceedings on that occasion. I have chosen my adjectives with precision and care, and I say that it was cold and calculated brutality. The whole series of proceedings seem to have been carefully thought out and planned from beforehand. I do not know—and I do not care to know—who was responsible for authorizing the proceedings. All that I can say is that they wanted to do something more than break up a peaceful procession or break the head of the Mayor. They wanted to thwart the policy of the Prime Minister and Lord Irwin. That was their chief object, and a more sinister object I cannot conceive of. No one is ignorant of the fact, you cannot very well deny it, that there is a large section of European opinion which thinks that the Government of India have been unnecessarily weak in the past, that the Government have wrapped themselves up in rose-water sentimentalities, that it required to be strengthened and stiffened, and that the wind

should be taken out of their sails. And here was the opportunity furnished. And so this procedure was resorted to, in order that people might disbelieve in the generosity and *bona fides* of the Prime Minister and of Lord Irwin. I think this was one of the objects of the people who authorized the proceedings; and, Sir, they have succeeded beyond their utmost expectation. The incidents of the 26th January, more than anything else, have jeopardised the success of the policy adumbrated by the Prime Minister. Those incidents have made people ask, what value is to be attached to the assurances of British statesmen? They say: "Here are the words, and here are the deeds: construe the words in the light of the deeds. It is all a sample of the usual English procedure: soft sawder in London, *lathi* blows in Calcutta." That is how common people will argue.

Sir, I shall follow the incidents of the 26th January, step by step. Certain preventive measures were taken, certain persons were arrested or detained at home. I ask: "Why could not the same measures be taken against Mr. Subhas Chandra Bose?" The Hon'ble Mr. Prentice suggested that he was in his mayoral room, in his mayoral chair, doing mayoral duties. But the Mayor was not in his room all through the day; he came out of his room, and the police allowed him to pass along the whole length of Corporation Street. At no time or point did they attempt to arrest him. They might have arrested him then and there as soon as he came out, without breaking his head, without making people bleed, and without any charges on the part of the mounted police. But, no: they allowed the procession to pass along the whole of Corporation Street; they allowed the procession to cross the Chowringhee, and then they entrapped it into the *maidan*. They surrounded this handful of men with their ring of mounted police, and lashed away indiscriminately as people might lash away at some poisonous snake. No discrimination was made, no care was taken, no concern shown for the safety of individuals or groups. And, I say once again that the whole thing constituted a series of cold and calculated acts of brutality.

Sir, the Hon'ble Mr. Prentice told us the other day that he and the administration of Bengal wanted to be loyal to the spirit of the Prime Minister's declaration. I would answer again by saying, "deeds, not words." I would ask him to harmonise his words with his deeds. I say that you nullify the effect of your words by your deeds: and if you continue to do this, then there will be no peace or settlement in the country. And if then the present state of unrest continues, the blame will not rest on us—the guilt, the crime, the shame, will altogether be yours, and of people like you who authorised these deeds or who seek to condone them afterwards.

Mr. SHANTI SHEKHARESWAR RAY: Under section 46 of the Bengal Legislative Council Rules and Standing Orders, I beg to move that the question be now put.

Mr. PRESIDENT: The question is a very important one, and I find that many members are anxious to speak; so I am reluctant to close the debate at this stage.

Mr. C. C. COOPER: Mr. President, Sir, a demand is being made for a public inquiry into the action of the police on 26th January. A more reasonable and fairer demand would be for this House to demand a public inquiry into the actions of the Congress, Mayor and Corporation of Calcutta. It is idle to blame the police for what occurred on 26th January, when the entire responsibility for the riots rests with the Congress. In my opinion, Sir, a demand for an inquiry into the actions of Congress would be of greater public interest and utility.

Mr. Bannerjee surprised me when he suggested Government had organized this riot in order to disturb the atmosphere of peace and political good-will created by the Round Table Conference. My first thought on seeing the riot was that the Congress had organized the disturbance in order to upset the peaceful atmosphere, which atmosphere did not suit the Congress book. Mr. Bannerjee was pleased to be sarcastic about the mill army. From my own personal knowledge, attempts were made by Congress to induce the mill-hands to march on Calcutta. The mill authorities advised the labour to stay at home; otherwise they would get hurt. The labour listened to wise counsel and stayed at home; hence the Congress mill army did not materialize. I refer to it as evidence that the riot on 26th January was organized by Congress.

Sir, one cannot help but be struck by the one-sided logic of this debate. Nothing according to his friends is too good to say for a man, who with deliberate malice defies law or order, who with the same deliberate malice influences simple-minded people to evil ways; yet nothing is too bad to say about the unfortunate police who do their duty in maintaining law and order. One of the characteristics, of which we Britishers are proud, is our love of fair-play; therefore we despise the unfair methods employed to attack the police on every conceivable occasion. Leave the police alone and they will leave you alone; but if you deliberately upset the hornet's nest, it serves you right if you get badly stung. If the Mayor of Calcutta had been carrying out his duties in a proper lawful manner, he would not have got his head broken on 26th January.

I have listened to the lurid details of the various allegations made against the police, but the speeches made leave me cold, as only one

of the speakers was an eye-witness of the occurrence. They cannot speak with impartial authority; they could only speak from prejudiced hearsay, which is not evidence.

Some people in their bitter *zid* against the police will swallow and believe anything they are told against the police, and the spinning of the yarn loses nothing in its repetition. A snowball, as it is rolled, grows dirtier as it grows bigger.

On the day of the occurrence I happened by accident to be in the vicinity. I saw an unruly mob of the riff-raff of Calcutta openly disobeying law and order. They started with a *tamasha*, and it became a riot, a danger to all peaceful law-abiding citizens. The police did nothing more than do their duty. They did it well under circumstances of great difficulty, and they acted with considerable restraint. They were like unto an indulgent father correcting a very naughty wilful child, which child well deserved a severer spanking than he received. What struck me more than anything was the perfect good humour of the police. I defy anyone in this House to have kept their tempers as well as the police kept theirs on that day in controlling, for want of a better simile, a howling pack of mad dogs.

It is foolish to talk of a peaceful crowd. Whiteaway, Laidlaw & Co. had to shut their doors, and terrified women, both British and Indian, took protection within those doors.

In such an unruly mob, among whom were some nasty-looking toughs, anybody participating in it deserved all they got, and if some of them did get a crack, they only got what they asked for.

It is the first duty of the Mayor of Calcutta to set an example of good citizenship. Instead, he deliberately incited and organised the worst elements in Calcutta to defy law and order. No right-thinking man can have any sympathy with him, and he deserved all he got. The police of Calcutta have a very high sense of duty, to well deserve the support of every right-thinking and fair-minded man.

4-15 p.m.

Mr. B. C. CHATTERJEE: I thought I would not take part in the discussion. But my friend, Mr. Cooper, has forced me to do so. I do not think that on second thoughts he would have reasons to be proud of the speech which he has just now delivered. But what does he mean by calling a mob unruly when it was unarmed, when nobody, not a single person constituting that mob, carried even a *lathi*? They were most probably shouting *Bande Mataram* which may be *anathema marantha* to Mr. Cooper and men of his kind, but which has a very sacred meaning to us and draws every fibre out of the soul of every one of us, who dares call himself an Indian. Like our music, our cry of *Bande Mataram* may be merely noise to Mr. Cooper, and if he

does not like the noise, he may go back to England. (MR. C. G. COOPER: I did not exactly mean it.) I am very glad to hear it.

Now, Sir, we must not confuse the issue. The point at issue before the House is this: Was Mr. Subhas Chandra Bose beaten by the police? That is the one and only issue before the House—was he beaten by the police? I have a report of the injuries done to him which, I am sure, would coincide with the report of the Police Surgeon which the Hon'ble Mr. Prentice referred to, but did not read out—probably he had not the time to read it out. Let me read it out for him:

Mr. Bose had received altogether five injuries in different parts of his body: (1) contusion over the right side of forehead, half by half inch, (2) contusion over back of head, half by half inch, (3) contusion over right side of right hand, one by half inch, (4) contusion over the middle of the dorsal aspect of right fore-arm, one by half inch, (5) a few scratch marks on the fore-arms.

Everybody here knows or ought to know that these contusions mean *lathi* blows. My friends opposite also know, and let them say if they are not absolutely certain that every one of these contusions was caused by *lathi* blow. Whether they are described as serious or slight does not matter in the least—they are mere technical terms employed by Doctors—but the injuries described as "slight" may have hurt all the same very seriously. But I need not detain the House over the explanation of these technical terms. What happened was that Mr. Subhas Chandra Bose was beaten with *lathis* by the police. No such thing can happen in England in spite of what Mr. Cooper has said. I was there for six years, and I prefer to adhere to my own experiences in that country. The practice of breaking a particular law because it is considered to be right or unconstitutional or subversive of the right principle of Government is a practice which is very well known in England. Mr. Subhas Chandra Bose in defying a particular order which he thought to be unjust was doing something which was highly English. Englishmen have done it over and over again in the past. In my time Dr. Clifford originated the passive resistance movement in England by refusing to pay rates and taxes under the Balfour Act which he considered to be unjust, and he and his followers offered passive resistance when the officers of Government went to levy distress. But nobody ever thought of laying violent hands on those non-conformists who refused to pay the rates and taxes as required under the Balfour Act, although on very many occasions trouble took place over the execution of distress. Would any Englishman sitting opposite have the courage to tell me that if a countryman of their own breaks a particular law on principle with a view to testing it or to its eventual abolition he should be assaulted by the English Police? Such a thing could never happen in England unless when he was going to

be arrested he offered violence. Here, admittedly, Mr. Subhas Chandra Bose offered no violence, could not have offered any violence as he did not even carry a *lathi*. Further, why could he not be arrested just as he came out of the Corporation premises? I can quite understand that he could not be arrested when he was sitting on the Mayoral Chair. But was there anything to prevent the police from arresting as he came out of the Corporation Building? I suppose that the police will say we chose our own spot, we would arrest him where we pleased. Very well, you let him come up some way; but why should you beat him? Why did you beat him? Up to now I have heard no explanation as to why he was beaten. Why do you avoid that issue? That is the only issue before the House. This is the matter which we have come here to discuss and on which this resolution is based. Give us an explanation why the police beat him. I would never believe that His Excellency the Governor had instructed any of his officer to practise violence on Mr. Bose. Such a thing could never happen. I find it very difficult to believe, in view of Mr. Prentice's speech on Mr. Basu's resolution, that he delivered such an order—an order to the effect—beat him first and then arrest him. Then who issued that order? Who is responsible for that order? Did Sir Charles Tegart issue it? Let us hope and trust not. The question remains why was he beaten at all? Who were the men who beat him and why have they not been punished? Why do you not state here who gave the order, and why do you not find the offenders out and then tell us what you are going to do with them? That is an answer we want from the Government. Perhaps Mr. Prentice cannot address the House for a second time, but I hope some other officers of Government would enlighten us on this point. I ask Mr. Prentice directly to furnish us information on this particular point before we have done with the resolution. Sir, at present, in the state of the political development we have attained, it is no longer possible to treat the English people in one way and the Indian people in another for doing the same sort of thing. I do not think anybody will dare to lay down a proposition like that on that side of the House because if he did that he would be guilty of treachery to that offer of co-partnership between England and India which has been made to us by the great party Leaders in England. That being so I ask for an answer to my particular question—I ask Mr. Prentice why Mr. S. C. Bose was beaten and who were the men who beat him? Will they be dealt with according to law for their evil action?

Mr. W. H. THOMPSON: Sir, I trust the last speaker will permit me to express my surprise that although he told the House that he had not intended to take part in the debate, he had apparently brought papers with him from which he intended to read. The last speaker has questioned whether the police in England would offer violence to a law-breaker.

Mr. B. C. CHATTERJEE: I never said that. I said that where a man on principle breaks an order the Government in England would never lay violent hands on him unless he offers resistance at the time of arrest.

Mr. W. H. THOMPSON: I was going to give you, Sir, an instance of how violence is offered by English policemen. I am a little ashamed to give the instance from my personal experience. When I was a small boy in the village, we had a great friend in the local policeman. I had a bicycle in those days and one day I came back in the evening after dark without a lamp. My friend, the policeman, stopped me and made me walk the rest of the way. Unfortunately my pocket money had run short and I could not buy a new lamp. A day or two after the same thing happened, and I tried to get past the policeman. In those days the policemen in England wore long blue capes which were rolled up and put across their shoulders. My friend, the policeman, was determined to stop me and I was determined to get away. He flung his cape at me and I and my bicycle rolled over in the ditch. (MR. B. C. CHATTERJEE: But no question of principle was involved in your breaking the law.)

Sir, my friend, Mr. Jitendralal Bannerjee, spoke of the guilt and shame of Mr. Prentice and his like. I, Sir, am one of those people who are not ashamed of what the British have done in India. When we came centuries ago, these old merchant adventurers of the City of London in their stiff Dutch breeches and their leather doublets came here; they came to trade. They obtained safeguards in the form of *sanads* granted by the Mogul Emperor and they found India not a bad place to trade in those days. India in those days was certainly a better place to trade in than, for instance, Germany was during the "30 years' war." Then the Mogul Empire broke up and India split up into little warring territories. Trade was interfered with and at every little frontier there were obstructions until it became impossible to carry on trade. The countryside was infested with robbers and it was found that the only way to keep the country a fit place to trade in was to take over administration of the land. So we took over the administration and we are now in the process of handing it back to the people of the country. We Britishers are doing our best when handing over the administration to leave institutions here which will abide.

Sir, Mr. Chatterjee said that the only issue before the House was whether Mr. Bose was beaten. Sir, I understood that the issue was not whether an individual had got a knock on the head but rather whether a case of urgency has arisen which will warrant an adjournment of the House because an incident of that sort took place. I feel rather that so far from an inquiry into the conduct of the police being required, what is required is an inquiry as to whether this incident took place at the instance of a party who was not willing to allow the

process of evolution to proceed on which the Prime Minister said the last word in his speech the other day—whether the incident took place in an effort by Mr. Subhas Chandra Bose to do his best to put a spoke into the wheel of the Round Table Conference, and undo, if he could, the good which in the shape of mutual understanding had come out of the deliberations in London.

4-30 p.m.

Babu JATINDRA NATH BASU: I desire to refer to one fact. A few days before my return from England I came to know of this incident while on board the steamer by which I was travelling back to India. The news came to me as a great surprise. It was to some extent inexplicable to me. On arrival here, I found on inquiry that there had been similar celebrations of the Independence Day throughout the whole of India and particularly in Bombay which is said to be an area of much greater disturbance than Calcutta. In those localities the celebrations were not interfered with, and the result was that no such incident as that which happened in Calcutta took place. I was surprised that, having regard to what has been said in England and having regard to the repeated declarations and assurances of such a great statesman as the Viceroy, the policy which led to the incident should have been given effect to. As Mr. Prentice has pointed out, the police had some information about some incidents which might have resulted in law being broken————

Mr. SHANTI SHEKHARESWAR RAY: I move that the question be now put.

Mr. PRESIDENT: Mr. Basu, how long will you take to finish your speech? I may tell you that this adjournment debate started at 2-40 and the two hours allowed for the discussion of this matter will be over at 4-40.

Babu JATINDRA NATH BASU: Then I do not speak any more.

On the closure question being put, a division was taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Baksh, Maulvi Syed Majid.
Ballabh, Rai Bahadur Dehendra Nath.
Banerji, Mr. P.
Bannerjee, Babu Jitendralal.
Basu, Babu Jatindra Nath.
Basu, Mr. Harendra Kumar.
Bose, Mr. S. M.
Chatterjee, Mr. S. C.
Chaudhuri, Babu Khetari Mohan.
Choudhury, Maulvi Nural Abcar.
Dutt, Rai Bahadur Dr. Haridhan.
Eusufji, Maulvi Nur Rahman Khan.
Fazlullah, Maulvi Muhammad.
Ghose, Dr. Amulya Ratan.
Hakim, Maulvi Abdul.
Hashemy, Maulvi Syed Jalaluddin.
Hoque, Kazi Emdadul.
Mittra, Babu Sarat Chandra.
Mozharjee, Mr. Syamaprasad.

Mukhopadhaya, Rai Sahib Sarat Chandra.
Nag, Babu Suk Lal.
Poddar, Mr. Ananda Mohan.
Poddar, Seth Hanuman Prasad.
Rai Mahasai, Manindra Deb.
Ray, Mr. Shanti Shekhareswar.
Ray Chowdhury, Babu Satish Chandra.
Rout, Babu Nosoni.
Roy, Babu Satyendra Nath.
Roy, Mr. Sarat Kumar.
Ray Choudhuri, Babu Nem Chandra.
Sahana, Babu Satya Kinkar.
Samad, Maulvi Abdus.
Sen Gupta, Dr. Naresh Chandra.
Singh, Srijut Taj Bahadur.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
Sircar, Dr. Sir Nilratan.

NOES.

Bal, Babu Lalit Kumar.
Bal, Mr. Sarat Chandra.
Barma, Rai Sahib Panchanan.
Basir Uddin, Maulvi Mohammed.
Blandy, Mr. E. N.
Burn, Mr. H. H.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Chaudhuri, Maulvi Syed Osman Haider.
Chowdhury, Haji Badi Ahmed.
Clark, Mr. I. A.
Cohen, Mr. D. J.
Coppinger, Major-General W. V.
Cooper, Mr. C. G.
Dain, Mr. G. R.
Das, Rai Bahadur Kamini Kumar.
Dash, Mr. A. J.
Easson, Mr. G. A.
Faroqui, the Hon'ble Khan Bahadur K. G. M.
Fawcus, Mr. L. R.
Forrester, Mr. J. Campbell.
Gangali, Rai Bahadur Susil Kumar.
Gilchrist, Mr. R. N.
Gordon, Mr. A. D.
Guha, Mr. P. N.
Gurner, Mr. C. W.
Hosain, Nawab Musharruf, Khan Bahadur.
Hossain, Maulvi Muhammad.
Hussain, Maulvi Latafat.
Hutchings, Mr. R. H.
Kasem, Maulvi Abul.
Khan, Khan Sahib Maulvi Muazzam Ali.
Lahe, Mr. N. R.
Maguire, Mr. L. T.
Marr, the Hon'ble Mr. A.
Miller, Mr. D. C.
Mitter, the Hon'ble Sir Provash Chunder.
Mullick, Mr. Mukunda Behary.
Nag, Mr. K. C.
Nag, Reverend R. A.
Nazimuddin, the Hon'ble Mr. Khwaja.
Norton, Mr. H. R.
Ormond, Mr. E. C.
Philpot, Mr. H. C. V.
Prentice, the Hon'ble Mr. W. D. R.
Raheem, Mr. A.
Rahman, Mr. A. F.
Rahman, Mr. A. F. M. Abdur-
Ray, Babu Nagendra Narayan.
Ray Chaudhuri, Mr. K. C.
Reid, Mr. R. N.
Roy, the Hon'ble Mr. Bijay Prasad Singh.
Saadatullah, Maulvi Muhammad.
Salauddin, Mr. Khwaja.
Sarkar, Sir Jadunath.
Sarker, Rai Sahib Rebati Mohan.
Smith, Mr. R.
Solaiman, Maulvi Muhammad.
Stapleton, Mr. H. E.
Sumner, Mr. C. R.
Thompson, Mr. W. H.
Travers, Mr. W. L.

The Ayes being 37 and the Noes 61, the motion for closure was lost.

Mr. PRESIDENT: The motion which was brought by Maulvi Syed Jalaluddin Hashemy now automatically falls to the ground because the two hours which were allotted to it are over.

Before I adjourn the House I may tell you that on the 19th there will be no meeting of the Council. As the Moslem group in the House on account of religious consideration would not be able to attend the meeting on that day, His Excellency the Governor has decided not to have any meeting on that day. On Monday we will take up the non-official Bills and the 17th and 18th will be available for non-official resolutions. The Council stands adjourned till 2-30 p.m., on Monday, the 16th.

Babu JITENDRALAL BANNERJEE: On a request for information, Sir. If on the 16th the non-official Bills are finished before the time is up will the resolutions be taken up?

Mr. PRESIDENT: Two days have been allotted for the Bills and no more than two days, that is the 17th and 18th, will be available for resolutions.

Adjournment.

The Council was then adjourned till 2-30 p.m., on Monday, the 16th February, 1931, at the Council House, Calcutta.

[illegible] of the Bengal Legislative Council [illegible] under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Council House, Calcutta, on Monday, the 16th February, 1931, at 2-30 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh) in the Chair, the Hon'ble Mr. A. Marr, C.I.E., the Hon'ble Sir Provash Chunder Mitter, KT., C.I.E., the Hon'ble Mr. W. D. R. Prentice, C.I.E., the three Hon'ble Ministers and 115 nominated and elected members.

Starred Questions

(to which oral answers were given).

Non-residents of Bengal in Bengal employ.

*66. **Mr. S. M. BOSE:** (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to state whether there are statistics available to show the number of persons employed under the Government of Bengal drawing a salary of Rs. 30 a month or more—

(*i*) who are natives of Bengal; and

(*ii*) who are not natives of Bengal?

(*b*) If so, will the Hon'ble Member be pleased to lay the figures on the table?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) and (*b*) No such statistics are available.

Court-fees and stamp duties.

*67. **Babu SATISH CHANDRA RAY CHOWDHURY:** (*a*) Is the Hon'ble Member in charge of the Judicial Department aware that on account of the great economic distress prevailing in the country the people are complaining against enhanced court-fees and stamp duties?

(*b*) Are the Government considering the desirability of reducing court-fees and stamp duties to their former level by an early revision of the Court-Fees and Stamp Acts?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) No complaint has come to Government.

(*b*) No.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Member be pleased to consider this question if representations are made by the people?

The Hon'ble Mr. W. D. R. PRENTICE: If representations are made they will be considered.

Search of premises of Messrs. Padanathram Thakurram, Rampurhat.

***68. Babu JITENDRALAL BANNERJEE:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether it is a fact that some time in the month of July last, a body of police, led by the inspector of the Rampurhat police-station, broke into the firm of Messrs. Padanathram Thakurram?

(*b*) Is it a fact that they committed damage upon property and severely assaulted Babu Kishen Prosad, one of the proprietors of the firm?

(*c*) Is it a fact that both the officiating District Magistrate of Birbhum and the officiating Superintendent of Police were present at Rampurhat on the day of occurrence?

(*d*) Is it a fact that the damage and assault spoken of above were committed under their instructions?

(*e*) Is it a fact that the proprietors of the firm of Messrs. Padanathram Thakurram have never taken part in any political agitation?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) The premises of Messrs. Padanathram Thakurram were searched on 17th July, 1930, in pursuance of a search warrant issued by the Subdivisional Magistrate of Rampurhat.

(*b*) No damage was done and no assault committed.

(*c*) Yes.

(*d*) Does not arise.

(*e*) No.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member kindly explain why answer (*d*) does not arise?

The Hon'ble Mr. W. D. R. PRENTICE: In view of the answer to (*b*).

Maulvi SYED MAJID BAKSH: May I rise on a point of order? I am asking for information. In question (*c*) it is asked "Is it a fact that both the officiating District Magistrate of Birbhum and the officiating Superintendent of Police were present at Rampurhat on the day of occurrence?" The answer was "yes." Question (*d*) runs "Is it a fact that the damage and assault spoken of above were committed under their instructions?" The answer is "Does not arise." How can that be?

Mr. PRESIDENT: That is not a point of order. You have either to draw your own conclusion, or clear the point by a supplementary question.

Faridpur railway station.

*69. **Maulvi TAMIZUDDIN KHAN:** (*a*) Is the Hon'ble Member in charge of the Public Works (Railways) Department aware of the present condition of the Faridpur railway station?

(*b*) For how long has the question of improving the station been pending decision?

(*c*) Has any decision been arrived at?

(*d*) If so, what is the decision?

MEMBER in charge of PUBLIC WORKS (RAILWAYS) DEPARTMENT (the Hon'ble Mr. A. Marr): (*a*) Yes.

(*b*), (*c*) and (*d*) Since 1916, when the present Faridpur station was constructed as an emergency method of maintaining rail connection with Faridpur town, when owing to erosion by the Padma river the line entering Faridpur town station was breached. No new station site could be selected as long as there appeared to be danger of further encroachments by the river. When the danger was reported by the Engineers to have ceased, proposals were considered for extending the Faridpur branch to Madaripur, and several sites were considered for the new through station. These projects proved unremunerative and an alternative suggestion was put forward for reaching Madaripur. The question of providing Faridpur with a new station was on the point of coming under consideration in the early part of 1930 when a very serious reduction in expenditure in all directions was forced on the Government of India which precluded the Railway administration from undertaking this work. No decision has therefore been arrived at nor can be till financial prospects are brighter.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to give us an approximate idea when the financial prospects will be better?

The Hon'ble Mr. A. MARR: I have not the slightest idea.

Subdivisional Officer of Rampurhat and house searches at Mollarpore in Rampurhat.

*70. **Babu JITENDRALAL BANNERJEE:** (a) Will the Hon'ble Member in charge of the Police Department be pleased to state whether it is a fact that on or about the 9th December last a police party led by Mr. S. K. Haldar, Subdivisional Magistrate of Rampurhat, entered the houses of three persons named Mahendra Nath Roy, Surendra Nath Roy and Satyabala Deby, all residing at Mollarpore in the Birbhum district?

(b) Is it also a fact that in the course of the house-search carried on by the said police party, the Subdivisional Officer assaulted Mahendra Nath Roy and the brother of Surendra Nath Roy?

(c) Will the Hon'ble Member be pleased to state whether it is a part of a Magistrate's duties to lead a house-search party consisting of policemen and officers?

The Hon'ble Mr. W. D. R. PRENTICE: (a) Yes, in the execution of search warrants regularly issued.

(b) No.

(c) Yes, if the necessity arises.

Dr. NARESH CHANDRA SEN GUPTA: Will the Hon'ble Member be pleased to state whether anything of an incriminating nature was found in these house-searches?

The Hon'ble Mr. W. D. R. PRENTICE: I must ask for notice.

Withholding of Government grant to non-Government colleges.

*71. **Mr. SYAMAPROSAD MOOKERJEE:** (a) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(i) whether he is aware that the proposal to withhold the grant of 1 lakh and 29 thousand which is annually distributed among the non-Government colleges in Bengal has given rise to considerable dissatisfaction throughout the province; and

(ii) whether it is a fact that the Senate of the Calcutta University has protested against this decision and requested the Government to reconsider the matter?

(*b*) If so, what action, if any, do the Government propose to take on this matter?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Mr. Khwaja Nazimuddin): (*a*) (*i*) The proposal is bound to cause some dissatisfaction.

(*ii*) A communication has been received from the Calcutta University regardng the proposal.

(*b*) The matter is under consideration.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Minister be pleased to state whether the Government grant will be distributed before the close of the financial year?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: The final decision will be arrived at before the close of the financial year.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Minister be pleased to state whether proposals were asked for from the University before the exclusion of this grant?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: Yes.

Mr. SYAMAPROSAD MOOKERJEE: Is the Hon'ble Minister aware that the colleges in Bengal had proceeded on the assumption that the Government grant would be distributed as usual?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: No.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Minister be pleased to state what the reasons are for not distributing this grant?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: Financial stringency.

Provincial Forest Service.

***72. Mr. NARENDRA KUMAR BASU:** Will the Hon'ble Member in charge of the Revenue (Forests) Department be pleased to state—

(*i*) what is the number of I.F.S. posts open to the members of the Provincial Forest Service in Bengal;

(*ii*) when was the last such promotion made;

(*iii*) how many men have been appointed to the I.F.S. in Bengal since that date; and

(*iv*) how do the qualifications of these men compare with those of men recruited direct to the Provincial Service?

SECRETARY to GOVERNMENT, REVENUE DEPARTMENT (Mr. H. C. V. Philpot): (*i*) Two, but the Government of India have recently decided to increase the proportion of listed posts to 25 per cent. of the Indian Forest Service cadre in each province.

(*ii*) Babu J. N. Bose on 1st April, 1924.

(*iii*) Six.

(*iv*) There is now no direct recruitment to the Provincial Forest Service. A statement is laid on the table showing the qualifications of the six officers and of those members of the Provincial Forest Service who were recruited direct.

Statement of qualifications referred to in the reply to clause (iv) of starred question No. 72.

Names of Indian Forest Service officers recruited direct.	Their qualifications when recruited.	Names of Bengal Forest Service officers recruited direct.	Their qualifications when recruited.
1. Mr. N. Pal (5th December, 1924).	B.Sc. (Cal.) with First Class Honours in Mathematics.	1. Babu S. K. Basu (21st July, 1914).	M.Sc.
2. Mr. S. A. Yusuf (4th December, 1925).	B.Sc. with Honours (Dacca), B.A. (Cantab.) and Diploma in Forestry (Cantab.) with distinction.	2. Babu S. N. Mitra (23rd July, 1916).	B.Sc.
3. Mr. J. C. Nath (30th January, 1925).	B.Sc. with Honours (Edin.), Honours in Geology up to M.A. standard of the same University.	3. Babu Rameswar Banerji (5th April, 1917).	B.Sc.
4. Mr. A. C. Gupta (3rd December, 1926).	B.Sc. with Honours (Cal.)	4. Babu S. K. Datta (12th April, 1920).	M.Sc.
5. Mr. T. V. Dent (11th October, 1929).	B.Sc. in Forestry (Edin.).	5. Babu J. N. Sen Gupta (9th April, 1923).	B.A.
6. Mr. V. S. Rao (8th November, 1930).	B.A. (Madras) ..	....	....

Memorial by the reproduction section of the Bengal Drawing Office.

*73. **Maulvi LATAFAT HUSSAIN:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether it is a fact that the reproduction section of the Bengal Drawing Office submitted a memorial to the Hon'ble Member of the Revenue Department in March last?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to lay on the table a copy of the said memorial?

(*c*) Will the Hon'ble Member be pleased to state what action has since been taken in the matter?

(*d*) If no action has been taken, will the Hon'ble Member be pleased to state the reason therefor?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (*a*), (*c*) and (*d*) For answers to (*a*), (*c*) and (*d*), the member is referred to the answers to unstarred question No. 120, delivered in the Council on 19th August, 1930.

(*b*) A copy of the memorial is laid on the table.

Memorial referred to in the reply to clause (b) of starred question No. 75.

To the Honourable Sir Provash Chunder Mitter, kt., c.i.e.,
Member-in-charge, Revenue Department.

(Through the Director of Land Records and Surveys, Bengal, and the Officer-in-charge, Bengal Drawing Office.)

Dated Alipore, the 5th April, 1930.

The humble memorial of the employees of the Reproduction Section of the Bengal Drawing Office, attached to the Director of Land Records and Surveys, Bengal.

Most respectfully sheweth—

1. That your humble memorialists are industrial hands and are entrusted with the most important and responsible work of printing provincial maps in colours, thana maps in colours, district maps in colours, cadastral maps and other miscellaneous maps and plans.

2. That the most difficult helio work and the new powder process which were previously done by the Survey of India are also being efficiently done in this section.

3. That their salaries are abnormally low and decidedly much less than those of their brother-officers doing similar or less responsible duties in the office of the Surveyor-General of India, in the Press and Forms Manager's office (belonging to the Presidency Jail Press), in the Bengal Government Presses and in the Government of India Printing.

4. That their brother-officers doing similar but less responsible duties in the Press and Forms Manager's office under the Political Department of the Government of Bengal and those in the Bengal Government Presses under the Financial Department are being paid at a much higher rate of pay, both having obtained full retrospective effect of Circular No. A. 31, dated the 15th July, 1920, of the Government of India, Department of Industries and Munitions.

5. That the sufferings and pitiable condition of your humble memorialists who have been deprived up till now of their just dues and privileges will be evident by a contrast of the present grades in the Bengal Government Press with the grades which were in vogue before resolution No. A. 31, dated the 15th July, 1920, of the Government of India was given effect to, as shown in the attached schedule "A".

6. That the McAlpin Committee took advantage of the absence on leave from India of the then Director of Surveys, Colonel F. C. Hirst, and did not at all come to the office of your humble memorialists to enquire into and see the nature of work done by your humble memorialists in the Reproduction Section of the Bengal Drawing Office and that the truth of this statement will be quite evident from the remark of the previous Director of Land Records and Surveys, Mr. A. K. Jameson, I.C.S., which ran thus:—

"The McAlpin Committee cannot be said to have dealt adequately with the Survey Department probably through lack of understanding of the work performed. In this section as in the Reproduction Section the pay of the principal employees should be much higher than that fixed by the Committee."—*Vide* paragraph 26, page 4 of his Annual Report on the Survey and Settlement Operations in Bengal for the year 1923-24.

7. That your humble memorialists most respectfully pray that the pitiable condition of the poor employees of the Reproduction Section of the Bengal Drawing Office who have, up till now, been deprived of their just dues and privileges, be sympathetically considered and that immediate retrospective effect of resolution No. A. 31, dated the 15th July, 1920, of the Government of India, Department of Industries and Munitions, be given to the employees of the Reproduction Section of the Bengal Drawing Office.

8. That your humble memorialists shall ever pray.

MANINDRA MOHAN BISWAS,

Secretary, Bengal Drawing Office,
Reproduction Section Association,
on behalf of the employees.

Md. ABUJAN,

President, Bengal Drawing Office,
Reproduction Section Association,
on behalf of the employees.

Posting of additional police at Munshiganj.

*74. **Rai Bahadur KESHAB CHANDRA BANERJI:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to lay on the table a statement showing—

(*i*) the number of dacoities committed in 1930 in each of the subdivisions of the district of Dacca;

(*ii*) how many of these were "political" dacoities;

(*iii*) the names of the villages in the Munshiganj subdivision where punitive police has been or is proposed to be quartered;

(*iv*) the total amount of the punitive tax that will be levied on the villagers;

(*v*) on what principle the punitive tax is being levied;

(*vi*) what persons, classes or sections of the inhabitants of the declared area are proposed to be exempted from the levy of the punitive tax, and on what grounds; and

(*vii*) whether any subdivision or village or villages in any district in Bengal other than the Munshiganj subdivision in Dacca has been declared to be a disturbed and dangerous area?

(*b*) If the answer to (*a*)(*vii*) is in the negative, will the Hon'ble Member be pleased to state in what circumstances the declaration of an area to be in a disturbed and dangerous state is made?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) A statement is laid on the table.

(*b*) Does not arise.

Statement referred to in the reply to clause (a) of starred question No. 74.

(*i*) Number of dacoities committed in 1930:—

DACCA DISTRICT.

Sadar subdivision (number of police-stations 13)—32.

Munshiganj subdivision (number of police-stations 5)—26.

Narayanganj subdivision (number of police-stations 9)—27.

Manikganj subdivision (number of police-stations 7)—5.

(*ii*) Three.

(*iii*) The additional force may be quartered in any part of the area described in Proclamation No. 4813 Pl., dated 3rd November, 1930, which is reproduced below:—

PROCLAMATION.

No. 4813 Pl.—3rd November, 1930.—In exercise of the power conferred by section 15 of the Police Act, 1861 (Act V of 1861), the Governor in Council is pleased to declare that the whole of the area in the jurisdiction of Munshiganj, Tangibari, Serajdikhan, Lohajang and Sreenagar police-stations in the Munshiganj subdivision of the district of Dacca has been found to be in a disturbed and dangerous state, and that the conduct of the inhabitants of the aforesaid area has rendered it expedient to increase the number of police by the appointment of an additional force to be quartered in the said area at the cost of the inhabitants thereof, subject to any orders which may be passed exempting any person or class or section of the inhabitants.

This proclamation shall remain in force for a period of six months.

R. N. REID,

Chief Secy. to the Govt. of Bengal (offg.).

(*iv*) It is roughly estimated that the cost of the additional police will amount to about Rs. 22,000.

(*v*) The cost of the additional police will be apportioned on the principle laid down in section 15 of the Police Act (V of 1861).

(*vi*) This question is still under consideration.

(*vii*) Yes. During 1930, five such declarations were made.

Rai Bahadur KESHAB CHANDRA BANERJI: In what other districts were punitive police employed?

The Hon'ble Mr. W. D. R. PRENTICE: There is no such thing as punitive police. There are additional police under section 15 of the Police Act in Midnapore and 24-Parganas.

Crime in Narail and Lohagarah police-stations.

*75. **Maulvi LATAFAT HUSSAIN:** (*a*) Is the Hon'ble Member in charge of the Police Department aware that in the Narail and Lohagarah police-stations in the district of Jessore cases of theft, burglary, dacoity and murder are daily on the increase?

(*b*) Will the Hon'ble Member be pleased to lay on the table a statement from January, 1926, to December, 1930, showing—

(*i*) the number of theft, burglary, dacoity and murder cases committed within the Lohagarah and Narail police-stations;

(*ii*) names of the villages and the persons at whose houses the crimes, viz., theft, burglary, dacoity or murder, as the case may be, were committed;

(*iii*) number of cases in which the miscreants were brought to book;

(*iv*) number of such miscreants;

(*v*) instances in which the miscreants escaped justice; and

(*vi*) the number of them still at large?

(*c*) Will the Hon'ble Member be pleased to state whether Government have taken or intend taking any steps with regard to the miscreants referred to in (*v*) and (*vi*) of clause (*b*)?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) Since 1928, when a similar question by the same member was answered in the Council, there has been, in Narail police-station, a continuous decline in the number of theft, burglary and murder cases, while dacoity cases increased from 1 in 1928 to 3 in 1930.

In Lohagarah police-station, there was, in 1930, a similar increase in dacoity cases, as compared with 1928 and 1929, but the number of theft and murder cases was smaller than in 1928. Burglary cases show an increase of 2 over the figure for 1928 but of 31 over the figure for 1929, when the figures were unusually low.

(*b*) (*i*), (*iii*), (*iv*) and (*v*) A statement is laid on the table.

(*ii*) Government are not prepared to order the detailed inquiries necessary to furnish the required information.

(*vi*) The number of such persons cannot be given.

(*c*) No action can be taken against the persons who have been acquitted. As regards absconders, all possible steps are being taken. In the other cases, no action is possible unless and until evidence is forthcoming.

Statement referred to in the reply to clause (b) (i), (iii), (iv) and (v) of starred question No. 75 showing the number of cases of theft, burglary, dacoity and murder in which, and the number of persons against whom, charge-sheets were submitted, the number of convictions and the number of true cases undetected within the jurisdictions of Narail and Lohagarah police-stations during the period from the 1st January, 1926, to the 31st December, 1930.

Offence.	Number reported.					Number of charge-sheets.					Number of persons sent up.					Number of convictions. Cases.					Number of convictions. Persons.					Number of true cases undetected.				
	1926	1927	1928	1929	1930	1926	1927	1928	1929	1930	1926	1927	1928	1929	1930	1926	1927	1928	1929	1930	1926	1927	1928	1929	1930	1926	1927	1928	1929	1930
NARAIL P.S.																														
Theft	22	32	46	46	21	3	8	8	11	6	3	11	11	15	6	1	7	6	9	2	1	8	7	9	2	14	22	33	31	14
Burglary	76	81	85	80	58	4	5	3	1	7	6	10	3	2	12	3	4	2	1	4	4	9	2	2	4	71	75	81	78	51
Dacoity	..	..	1	1	3	..	..	..	1	1	..	..	..	17	7	..	..	..	1	..	..	..	..	8	..	..	..	1	..	2
Murder	3	1	4	1	..	3	1	2	1	..	28	3	2	1	..	..	1	..	..	..	..	2	..	..	..	..	..	2	..	..
LOHAGARAH P.S.																														
Theft	28	20	37	16	21	10	5	15	3	6	13	8	23	3	7	10	3	12	3	2	12	4	16	3	2	10	7	15	10	6
Burglary	99	88	90	61	92	2	5	1	4	3	2	8	1	8	3	..	2	1	2	..	..	2	1	2	..	72	70	74	49	59
Dacoity	..	..	1	1	3	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	..	1
Murder	1	..	3	..	2	..	..	2	..	1	..	..	1	..	2	..	..	..	..	1	..	..	..	..	1	..	..	1	..	1

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to state why there is so much difference between the number of cases reported and the number sent up?

The Hon'ble Mr. W. D. R. PRENTICE: The lack of evidence.

Search of passengers' luggage at Jessore railway station.

*76. **Mr. NARENDRA KUMAR BASU:** (*a*) Is the Hon'ble Member in charge of the Police Department aware that a general order has been passed by the District Magistrate of Jessore directing the police to search the luggage of all Indian passengers entraining or detraining at the Jessore railway station?

(*b*) Under what authority was such an order passed?

(*c*) Is the Hon'ble Member aware that respectable men at the station were harassed owing to the existence of that order?

(*d*) Was not one such instance brought to the notice of the Hon'ble Member?

(*e*) Is it a fact that the Hon'ble Member refused to interfere in the matter as an *ex parte* inquiry was said to have been made by the District Magistrate?

(*f*) What were the materials on which the District Magistrate based his report?

(*g*) Is the said order still in force?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) An order for the search of the luggage of all passengers entraining or detraining at Jessore was passed by the District Magistrate on the 28th August, 1930.

(*b*) Under section 96, Criminal Procedure Code, in connection with the investigation of a criminal case.

(*c*) and (*d*) Three persons only objected to the search. The complaint of one of them was brought to my notice by the member asking this question.

(*e*) The member is referred to the contents of the letter which is in his possession.

(*f*) The report was based on the evidence of the station staff, the thana staff and the constables on duty at the station.

(*g*) No. It was cancelled on the 12th October, 1930.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state if the luggage of any non-Indian passengers was searched under this order?

The Hon'ble Mr. W. D. R. PRENTICE: I must ask for notice.

Mr. NARENDRA KUMAR BASU: Is the Hon'ble Member aware that section 96 of the Criminal Procedure Code does not apply?

Mr. PRESIDENT: I do not allow that question.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state whether the evidence of the station staff, the thana staff and the constables on duty was taken in the presence of the complainant?

The Hon'ble Mr. W. D. R. PRENTICE: I do not think so; I cannot say definitely.

Dr. NARESH CHANDRA SEN GUPTA: May I know the nature and effect of the report?

The Hon'ble Mr. W. D. R. PRENTICE: Sir, might I ask for a ruling on this question? A member wrote me a private letter and asked for certain information; I gave the information in an informal way, as a matter of private correspondence. I have no objection to giving all the information I can to members of the Council, but if a member of the Council writes a private letter to a Member of the Government, is he entitled to make this correspondence the subject of a question in Council?

Mr. PRESIDENT: Am I to understand that the writer of this letter is the questioner?

The Hon'ble Mr. W. D. R. PRENTICE: He is.

Mr. PRESIDENT: I do not think it is right for a member to write a private letter to a Member of the Government, and then make that letter the basis of a question. There is no rule preventing him from doing this, but I do not think it is proper.

Mr. NARENDRA KUMAR BASU: On a point of order, Sir. Supposing a member of this House writes a letter to a Member of the Government and is not satisfied with the decision or the orders passed, is it not his duty to bring the matter before the Council?

Mr. PRESIDENT: I have already given a ruling on that point.

Dr. NARESH CHANDRA SEN GUPTA: What was the nature of the evidence given by the station staff, the thana staff and the constables on duty?

The Hon'ble Mr. W. D. R. PRENTICE: Sir, I would ask whether it is proper to have this cross-examination on the subject of a private letter. Being a private letter I replied to it in a private capacity, and did not send the letter to the office for detailed information.

Mr. PRESIDENT: In that case I think the best course for you would be not to reply to this question. You need not get behind a point of order.

The Hon'ble Mr. W. D. R. PRENTICE: I have no objection to giving any information to any member of Council. But if private letters are to be made the subject of questions in Council, I will deal with them officially in future, and send the letters to the office.

Mr. SYAMAPROSAD MOOKERJEE: Is the Hon'ble Member aware of any other case in which such an order was passed?

The Hon'ble Mr. W. D. R. PRENTICE: I am not aware of any other occasion.

Mr. SYAMAPROSAD MOOKERJEE: Is the answer of the Hon'ble Member meant only for the questioner, or for the whole House? Seeing that the other members do not know what the contents of that letter were, or the answer to it.

Mr. PRESIDENT: If the members of the House are not satisfied, their remedy lies in putting supplementary questions.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Member be pleased to tell us what is the nature of the criminal case referred to in answer (*b*)?

The Hon'ble Mr. W. D. R. PRENTICE: I forget; but it was under either the Arms Act or the Explosive Substances Act.

Dr. NARESH CHANDRA SEN GUPTA: Will the Hon'ble Member be pleased to state whether anything incriminating was found on any passenger?

The Hon'ble Mr. W. D. R. PRENTICE: I must ask for notice.

Hindus and Muhammadans paying land revenue.

*77. **SETH HUNUMAH PROSAD PODDAR:** Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement showing—

(*i*) the present number of Hindus who pay land revenue;

(*ii*) the amount of land revenue paid by them;

(*iii*) the present number of Muhammadans who pay land revenue; and

(*iv*) the amount of land revenue paid by them?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*i*), (*ii*), (*iii*) and (*iv*) The information is not readily available and cannot be obtained without detailed and laborious inquiries which Government regret they are not prepared to undertake.

Transfers of occupancy holdings and landlords' fees.

*78. **Babu SATYENDRA NATH ROY:** Is the Hon'ble Member in charge of the Revenue Department aware—

(*i*) that notices of transfers of occupancy holdings are not being sent regularly from the District Collectors' offices to the respective landlords; and

(*ii*) that the amounts payable to the sole proprietors are not remitted by money-orders regularly?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*i*) and (*ii*) No.

Staff of Narail Civil Court.

*79. **Maulvi LATAFAT HUSSAIN:** (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether it is a fact that his attention was drawn in a speech on the 22nd March last in this Council to the inconvenience of the litigant public attending the Narail Civil Court?

(*b*) Is it a fact that a request was made to transfer the staff of the Narail Civil Court?

(*c*) Is the Hon'ble Member aware that the state of affairs complained of has since grown worse?

(*d*) If the answers to (*a*), (*b*) and (*c*) are in the affirmative, will the Hon'ble Member be pleased to state what action, if any, has been or is proposed to be taken in the matter?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) Yes.

(*b*) This was the intention of the speech, but the transfer of ministerial officers of the civil courts is a matter which is within the discretion of the District Judge [*vide* section 34 (2), Civil Courts Act], and no such request has been made to the District Judge, Jessore.

(*c*) No.

(*d*) If conditions are as alleged by the member, he should bring them to the notice of the District Judge, who will take whatever action he considers desirable.

Text-books for students of secondary schools.

***80. Mr. SYAMAPROSAD MOOKERJEE:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) whether he is aware of a rule passed by the Education Department to the effect that the students belonging to a secondary school which does not conform to the text-books prescribed by the department on the recommendation of the Provincial Text-Book Committee are liable to be declared ineligible for any Government scholarship;

(*ii*) whether the rule is applicable not only to Government and aided schools but also to unaided schools;

(*iii*) whether Government are aware that this has given rise to considerable dissatisfaction among the authorities of schools who are not dependent on Government for any support; and

(*iv*) whether it is a fact that the Syndicate of the Calcutta University has written to the Government pointing out the desirability of excluding the unaided schools from the operation of this rule?

(*b*) If the answer to (*a*) (*iv*) is in the affirmative, will the Hon'ble Minister be pleased to state what action, if any, do Government propose to take in this connection?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (*a*) (*i*) and (*ii*) Yes.

(*iii*) Government have no definite information.

(*iv*) Government have received no communication, but the Director of Public Instruction has received a letter on the subject.

(*b*) No action; the Director of Public Instruction is in correspondence with the University on the subject.

Mr. SYAMAPROSAD MOOKERJEE: Is the Hon'ble Minister aware that the School Code was approved by the Calcutta University?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: Yes.

Mr. SYAMAPROSAD MOOKERJEE: Is the Hon'ble Minister aware that the School Code is applicable to every school in accordance with a scheme approved by Government?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I do not know; I want notice.

Mr. SYAMAPROSAD MOOKERJEE: Is the Hon'ble Minister aware that under the provisions of the School Code the text-books are to be selected by the District Magistrate in consultation with the head master?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: As far as this question is concerned we————(inaudible in the Reporters' gallery).

Mr. SYAMAPROSAD MOOKERJEE: May I have an answer to my question. I asked whether under the provisions of the School Code approved by Government all text-books are selected by the managing committee in consultation with the head master?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (Inaudible in the Reporters' gallery.)

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Minister consider the desirability of modifying this rule?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I have already stated that we are in correspondence with the Calcutta University.

Maulvi ABDUL KARIM: Will the Hon'ble Minister be pleased to state why the authorities of private schools were enjoying the privilege of————(inaudible in the Reporters' gallery)?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: This is a question of policy. If the approved text-books are the text-books which are prescribed for the Government schools, and if any non-aided Government school wants to compete for the Government grant, I think the text-books selected should be accepted by these schools.

Maulvi ABDUL KARIM: Is the Hon'ble Minister aware of any schools which are using objectionable books?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I submit, Sir, that the question does not arise.

Babu JITENDRALAL BANNERJEE: Is it not a fact that the Text-Book Committee does not recommend any text-book whatever?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (Inaudible in the Reporters' gallery.)

Babu JITENDRALAL BANNERJEE: Is it not a fact that the Text-Book Committee does not recommend any books for the Matriculation Examination at all?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: It is not a question of————(inaudible in the Reporters' gallery).

Dr. NARESH CHANDRA SEN GUPTA: Will the Hon'ble Minister be pleased to state if this rule regarding text-books preventing students from getting scholarships, apply to the Matriculation scholarships also?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: The Text-Book Committee has nothing to do with the Matriculation classes.

Babu JITENDRALAL BANNERJEE: On a point of order, Sir. That is not our question.

Mr. PRESIDENT: That cannot be raised as a point of order.

Babu JITENDRALAL BANNERJEE: If the Hon'ble Minister does not understand the question, what are we to do?

Mr. PRESIDENT: I am afraid you are going too far.

Dr. NARESH CHANDRA SEN GUPTA: Will the Hon'ble Minister be pleased to state whether this rule applies to the Matriculation students?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I think it should be obvious to the hon'ble member asking the question that if the text-books are not prescribed by the Committee, then the Government circular does not apply.

Revenue from judicial and court-fee stamps.

*81. **Rai Sahib AKSHOY KUMAR SEN:** Will the Hon'ble Member in charge of the Judicial Department be pleased to lay on the table a statement showing, district by district, the revenue derived from—

(*a*) judicial stamps; and

(*b*) court-fees,

from the civil courts within the Dacca Division for the years 1928, 1929 and 1930?

The Hon'ble Mr. W. D. R. PRENTICE: A statement is laid on the table.

Separate figures are not maintained for judicial and court-fee stamps.

Statement referred to in the reply to starred question No. 81.

District.	1928.	1929.	1930.
	Rs.	Rs.	Rs.
Faridpur ..	6,77,710	7,37,829	7,02,764
Mymensingh ..	16,78,785	16,00,751	13,93,640
Bakarganj ..	10,75,443	10,93,246	9,45,441
Dacca ..	9,17,534	10,44,302	10,17,964

Unstarred Questions

(answers to which were laid on the table).

Withdrawal of landlords' fees from collectorate.

38. **Babu SATISH CHANDRA RAY CHOWDHURY:** (*a*) Has the attention of the Hon'ble Member in charge of the Revenue Department been drawn to the fact that the absence of a clear provision in section 26-C. of the Bengal Tenancy Act permitting withdrawal of landlords' fees from the collectorate through persons authorised by *vakalatnamas* is making withdrawal of landlords' fees difficult in all cases and impossible in many cases as some Collectors do not allow withdrawal on the strength of *vakalatnamas*?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of taking any steps in the matter?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) No.

(*b*) Government have already issued a circular order stating that transfer fees may be paid to a pleader or revenue agent duly authorised to receive the money and grant a receipt on behalf of the co-sharer landlords.

Jute crop.

39. Rai Sahib AKSHOY KUMAR SEN: Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state what steps, if any, have been taken by the Government for controlling the production of jute in Bengal?

MINISTER in charge of AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Khan Bahadur K. G. M. Faroqui): Leaflets have been distributed among cultivators strongly urging them not to sow with jute more than 50 per cent. of the area sown with that crop in the past season.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Member be pleased to state who distributed these leaflets?

The Hon'ble Khan Bahadur K. G. M. FAROQUI: By the local officers.

Faridpur railway station.

40. Rai Sahib AKSHOY KUMAR SEN: (*a*) Will the Hon'ble Member in charge of the Public Works (Railways) Department be pleased to state what steps have been taken since August, 1930, for transferring the present railway station at Faridpur to a more suitable site?

(*b*) Are the Government considering the desirability of making provisions for taking early steps in the matter?

The Hon'ble Mr. A. MARR: (*a*) and (*b*) The member is referred to the reply given to a starred question on this subject put by Maulvi Tamiruddin Khan at this meeting.

Catering of Rasad by the zamindars to the officers.

41. Srijut TAJ BAHADUR SINGH: (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether the Rasad-Parwana system by which zamindars and local notabilities or their mufassal officers are required to cater provisions and eatables for Government officers on tour or inspection in the mufassal is prevalent in Bengal?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state whether any complaints have reached them as to the evils of that system?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) No.

(*b*) Does not arise.

Agricultural loans in the Balurghat subdivision.

42. Maulvi HASSAN ALI: (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state what sum of money was advanced as loans to the cultivators of the Balurghat subdivision in the district of Dinajpur during the last famine in the subdivision?

(*b*) How much of the loan has been realised up to now?

(*c*) Is it a fact that the Government are taking measures to realise the remaining dues?

(*d*) Are the Government aware of the hard condition of the cultivators due to abnormal fall in the prices of jute and paddy?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) Rs. 5,59,975 was advanced as agricultural loans in the Balurghat subdivision during the scarcity of 1928-29.

(*b*) Out of the demand of Rs. 2,75,978 a sum of Rs. 2,14,643-1-10 was realised last year.

(*c*) Yes. The realisation for the balance has just begun.

(*d*) No. There is very little jute cultivation in the area where the loans were advanced.

Maulvi HASSAN ALI: Will the Hon'ble Member be pleased to state what crop is grown in abundance in this subdivision?

The Hon'ble Sir PROVASH CHUNDER MITTER: I must ask for notice.

Recruitment of police officers.

48. **Maulvi TAMIZUDDIN KHAN:** Will the Hon'ble Member in charge of the Police Department be pleased to lay on the table a statement showing district by district the number of Hindu and Muslim—

(*1*) sub-inspectors of police, and

(*2*) assistant sub-inspectors of police

recruited—

(*i*) by direct recruitment, and

(*ii*) by promotion

in this province during the last ten years?

The Hon'ble Mr. W. D. R. PRENTICE: Two statements are laid on the table. The statements do not give the desired information in respect of the assistant sub-inspectors, as Government are not in possession of the information, nor are they prepared to order the detailed inquiries necessary to supply it.

Statements referred to in the reply to unstarred question No. 43.

STATEMENT (I) SHOWING THE RECRUITMENT OF SUB-INSPECTORS DURING THE LAST TEN YEARS.

By Direct recruitment.

District.	1921		1922		1923		1924		1925		1926		1927		1928		1929		1930	
	H.	M.	H.	M.	H.	M.	H.	M.	H.	M.	H.	M.	H.	M.	H.	M.	H.	M.	H.	M.
1. 24-Parganas ..	1	..	..	..	1	..	..	1	..	..	1	1	1	..	1	1	..	..	1	..
2. Nadia ..	..	..	..	..	..	..	..	..	1	1	1	..	..	1	2	..	2	1	..	2
3. Jessore ..	1	1	..	..	..	..	3	..	1	..	1	1	1	1	..	..	1	..	2	..
4. Khulna ..	..	..	..	..	..	..	..	..	1	..	..	1	1	..	..	2	..	1	1	..
5. Murshidabad ..	..	..	1	1	..	..	..	1	..	1	..	..	..	..	1	2	..	1	..	1
6. Hooghly ..	..	..	..	..	..	..	..	1	..	..	1	..	2	..	..	..	2	..	1	..
7. Howrah ..	..	..	..	..	..	..	2	..	1	1	..	1	..	..	..	..	..	..	1	1
8. Midnapore ..	..	..	..	..	..	..	..	..	..	..	..	..	1	..	1	..	..	..	..	1
9. Burdwan ..	..	..	..	..	..	..	..	1	..	1	1	1	..	..	..	..	..	..	..	1
10. Bankura ..	..	..	1	..	..	..	..	..	..	..	1	..	..	..	..	..	1	..	..	1
11. Birbhum ..	..	1	..	..	..	..	..	..	1	..	..	1	..	..	..	1	1	..	..	..
12. Dacca ..	..	2	..	..	1	1	2	1	1	1	2	2	2	..	3	..	4	2	2	..
13. Mymensingh ..	1	..	..	..	..	1	1	1	..	1	1	..	..	1	..	2	..	2	2	1
14. Tippera ..	..	..	..	..	..	..	..	1	2	..	..	1	1	1	..	1	1	1	1	1
15. Faridpur ..	1	..	1	..	..	..	2	..	1	2	..	1	1	3	1	1	1	2	1	1
16. Chittagong ..	..	1	..	..	..	1	..	..	..	1	2	1	..	1	..	1	1	1	1	1
17. Noakhali ..	..	..	..	..	..	..	..	1	1	..	..	1	..	2	..	1	..	1	..	..
18. Bakarganj ..	..	..	..	1	1	..	1	1	2	..	1	..	1	..	3	1	1	..	3	1
19. Rajshahi ..	..	..	..	..	1	..	..	..	..	1	2	1	1	..	..	..	1	1	..	2
20. Jalpaiguri ..	..	..	1	..	..	..	..	1	1	..	..	1	..	..	..	..	..	..	..	..
21. Darjeeling ..	..	..	..	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	1	..
22. Bogra ..	..	..	..	1	..	..	..	1	..	2	..	..	..	2	..	1	..	..	..	1
23. Malda ..	..	..	..	..	..	..	..	..	..	1	..	..	..	1	..	..	..	1	..	..
24. Pabna ..	1	..	..	..	..	..	1	..	1	..	..	..	1	..	4	..	..	..	..	1
25. Dinajpur ..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	..	1	..	..	..	..
26. Rangpur ..	..	..	..	..	..	..	..	..	1	1	..	1	..	1	..	1	..	2	..	..
27. Shahabad ..	..	..	..	..	..	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..
28. Punjab ..	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..
	5	5	4	3	4	3	12	12	15	15	15	15	14	15	16	16	16	16	17	16

H.—Hindus. M.—Muhammadans.

STATEMENT (II) SHOWING THE RECRUITMENT OF SUB-INSPECTORS DURING THE LAST TEN YEARS.

By promotion.

District.	1921		1922		1923		1924		1925		1926		1927		1928		1929		1930	
	H.	M.	H.	M.	H.	M.	H.	M.	H.	M.	H.	M.	H.	M.	H.	M.	H.	M.	H.	M.
1. 24-Parganas ..	1	1	..	..	1	..	1	..	1	..	2	..	1	..	1	..	1	..	1	..
2. Nadia ..	..	..	..	..	2	..	1	..	2	..	..	..	..	1	..	..	..	..	..	..
3. Jessore ..	..	..	..	..	1	..	1	..	1	..	3	..	..	..	..	1	1	..	..	1
4. Khulna ..	..	..	1	..	1	..	1	..	1	..	1	..	1	..	..	..	2	..	1	1
5. Murshidabad ..	..	..	..	..	..	..	..	..	1	..	1	..	..	..	..	1	1	..	1	1
6. Hooghly ..	..	..	..	..	..	1	1	..	1	..	..	..	1	..	1	1	1	..	2	..
7. Howrah ..	..	..	..	..	1	..	2	..	..	1	1	..	2	..	1	1	1	..	1	..
8. Midnapore ..	..	..	..	..	1	..	2	..	1	..	1	1	1	..	2	..	1	..	2	..
9. Burdwan ..	1	..	..	..	..	..	..	..	1	..	..	..	1	..	..	..	..	..	2	..
10. Bankura ..	..	..	..	..	1	..	1	..	..	..	2	..	1	..	..	..	2	..	..	..
11. Birbhum ..	1	..	..	..	..	..	..	..	1	..	..	..	..	1	..	..	..	..	1	..
12. Dacca ..	..	..	..	..	2	..	2	..	1	..	1	1	2	..	1	1	1	..	..	1
13. Mymensingh ..	1	..	1	..	2	..	2	1	..	1	2	1	2	..	1	1	1	..	2	..
14. Tippera ..	..	..	..	1	2	..	..	..	2	..	..	1	2	..	2	..	3	1	..	1
15. Faridpur ..	..	..	..	..	2	..	..	1	1	1	2	..	1	..	1	..	1	..	1	1
16. Chittagong ..	1	..	..	..	..	..	1	..	..	..	..	..	2	..	1	..	1	..	1	1
17. Noakhali ..	..	..	1	..	1	..	..	..	1	..	..	..	1	..	1	..	1	..	..	..
18. Bakarganj ..	..	..	..	..	1	..	2	1	1	..	2	..	..	..	1	1	..	..	1	..
19. Rajshahi ..	..	..	..	..	1	..	2	..	1	..	..	..	..	..	2	..	1	..	..	..
20. Jalpaiguri ..	..	..	..	1	1	..	1	..	..	2	1	1	..	..	..	..	1	..	..	..
21. Darjeeling ..	1	..	..	..	2	..	1	..	..	..	..	..	1	..	..	..	..	..	1	..
22. Bogra ..	..	..	..	..	..	..	..	..	1	..	..	..	..	..	2	..	..	..	1	..
23. Malda ..	..	1	..	..	..	..	..	..	1	..	1	..	..	1	..	..	..	..	..	..
24. Pabna ..	..	..	1	..	..	..	1	1	..	..	1	..	..	1	1	..	2	..	1	1
25. Dinajpur ..	..	..	..	..	..	..	..	..	..	..	2	..	..	..	1	..	2	..	4	..
26. Rangpur ..	..	..	..	..	..	..	1	..	1	..	..	..	1	..	..	2	1	..	1	..
27. C. I. D. ..	..	..	..	..	..	..	..	..	1	..	..	..	1	..	..	..	1	..	..	..
28. I. B. ..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	1	..	..	..
29. River Police ..	..	..	..	..	..	..	..	..	..	..	..	..	1	..	..	..	1	..	..	..
30. E. B. Rly., Sealdah ..	..	..	..	..	1	..	..	..	..	..	1	..	1	..	3	..	1	1	..	..
31. E. B. and A. B. Rlys., Seddiqpur ..	..	..	..	..	..	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..
32. E. I. Rly., Howrah ..	..	..	1	..	1	..	1	..	1	1	..	..	..	..	1	..	1	..	..	..
33. Asansol ..	..	..	..	..	..	..	..	..	1	..	..	..	..	..	1	..	1	..	..	..
34. P. T. College, Sealdah ..	..	..	1	..	..	..	1	..	1	..	1	..	2	..	..	..	..	..	..	..
	6	2	6	2	24	1	28	4	24	6	25	5	26	4	24	9	31	2	24	8

H.—Hindus. M.—Muhammadans.

Medical aid and supply of books to political prisoners in Berhampore new special jail.

44. Dr. AMULYA RATAN GHOSE: (*a*) Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state whether there is any arrangement for medical aid to the political prisoners in the Berhampore new special jail.

(*b*) Is there any arrangement for supplying books to the prisoners?

MEMBER in charge of POLITICAL (JAILS) DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (*a*) Yes.

(*b*) Books are not supplied by Government, but literate prisoners are permitted to have and to read their own books.

Food-stuffs prepared with adulterated ghee or mustard oil.

45. Dr. AMULYA RATAN GHOSE: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether he is aware that many sweetmeat vendors in Calcutta and Howrah sell articles of food-stuffs prepared with adulterated ghee or mustard oil?

(*b*) Is there any section in the Calcutta Municipal Act, 1923, and Bengal Food Adulteration Act by which the vendor can be prosecuted for the sale of food-stuffs prepared with adulterated ghee or mustard oil?

(*c*) If so, will the Hon'ble Minister be pleased to quote the section of Calcutta Municipal Act and Bengal Food Adulteration Act?

(*d*) Will the Hon'ble Minister be pleased to state whether the Acts as amended have been circulated to all the municipalities and district boards?

(*e*) If there are no provisions in the Acts referred to in (*b*), will the Hon'ble Minister be pleased to take early steps to amend the Calcutta Municipal Act, 1923, and Bengal Food Adulteration Act to deal with such cases?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Mr. Bijoy Prasad Singh Roy): (*a*) Yes, there is no doubt that this practice exists.

(*b*) and (*c*) Reference may be made to section 407 of the Calcutta Municipal Act, 1923, and section 6 of the Bengal Food Adulteration Act, 1919, as amended by Bengal Act V of 1930. The amending Act

has not yet come into force, but is likely to be notified before long.

(*d*) This suggestion will be duly considered when Act V of 1930 is notified as in force.

(*e*) Does not arise.

Bill dealing with the future of Secondary Education in Bengal.

46. Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) what steps, if any, have been taken to introduce a Bill dealing with the future of Secondary Education in Bengal; and

(*ii*) whether the opinion on the draft Secondary Education Bill submitted by the Senate of the Calcutta University has been considered?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (*i*) A draft Bill dealing with the future of Secondary Education in Bengal was circulated to the Calcutta University, Dacca University, Board of Intermediate and Secondary Education, Dacca, and the Government of Assam for opinion. The views of all with the exception of the last-named have been received, and they are being considered by Government.

(*ii*) Yes.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Minister be pleased to state when it is expected that Government will introduce the Secondary Education Bill?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (Inaudible in the Reporters' gallery.)

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Minister be pleased to state when he expected the Secondary Education Bill to be introduced in Council?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (Inaudible in the Reporters' gallery.)

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Minister be pleased to state whether it is not a fact that there was a conference between the Government of Bengal and the Government of Assam about this matter some time ago?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: Yes.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Minister be pleased to state what he meant when he said he was waiting for a reply?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I am awaiting an official reply.

Mr. SYAMAPROSAD MOOKERJEE: Was there a non-official discussion before the Government of Bengal and the Government of Assam?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: A discussion took place; the conclusions of that discussion will be reported to us by the Government of Assam.

Mussalman Honorary Magistrates at Kishoreganj subdivision.

47. Maulvi ABDUL HAMID SHAH: Will the Hon'ble Member in charge of the Judicial Department be pleased to state—

(*i*) the number of Honorary Magistrates serving at the Kishoreganj subdivision in the year 1930; and

(*ii*) how many of them were Mussalmans?

The Hon'ble Mr. W. D. R. PRENTICE: (*i*) Eight.

(*ii*) None.

Maulvi ABDUL HAMID SHAH: Will the Hon'ble Member be pleased to state on what principle the Honorary Magistrates are appointed?

The Hon'ble Mr. W. D. R. PRENTICE: Fitness.

Review of the working of libraries.

48. MUNINDRA DEB RAI MAHASAI: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether the Government publish any annual report on the working of the public libraries? If not, why not?

(*b*) Is the Hon'ble Minister aware that the Inspectors of Schools collect information regarding the working of the libraries which are not incorporated in the Administration Report of the Education Department?

(*c*) Are the Government considering the desirability of issuing instructions for the review of the working of libraries in future through the Administration Report?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (*a*) No: public libraries are not administered by Government and have not been considered sufficiently important or numerous to justify the collection of materials for an annual report.

(*b*) Yes: information is occasionally collected.

(*c*) Instructions have been issued to the Director of Public Instruction, Bengal, to deal with the question of public libraries in future in his quinquennial review on the progress of education in Bengal.

MUNINDRA DEB RAI MAHASAI: Will the Hon'ble Minister be pleased to state whether it is a fact that the administration of the public libraries are considered to be a very important factor in education in Great Britain, Canada and other countries?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (Inaudible in the Reporters' gallery.)

Registrar of Assurances in Calcutta and his Assistant.

49. Srijut TAJ BAHADUR SINGH: Will the Hon'ble Minister in charge of the Education (Registration) Department be pleased to state—

(*i*) the names of the two officers who are working as Registrar and his Assistant in the office of the Registrar of Assurances in Calcutta;

(*ii*) since how long has each of these officers been in his present appointment;

(*iii*) the names of their predecessors in office; and

(*iv*) the year of first appointment of the present incumbents to their respective posts?

MINISTER in charge of EDUCATION (REGISTRATION) DEPARTMENT (the Hon'ble Mr. Khwaja Nazimuddin): (*i*) Khan Sahib Maulvi Abdul Majid, Registrar, Khan Sahib Maulvi Saiyid Moshfiqus Saleheen, Sub-Registrar.

(*ii*) From 26th July, 1926, and 22nd August, 1928, respectively.

(*iii*) Khan Bahadur Maulvi Qurbanullah and Maulvi Ahmed Abduzzahir, respectively.

(*iv*) 1926 and 1928, respectively.

Srijut TAJ BAHADUR SINGH: Will the Hon'ble Minister be pleased to state the names of the Inspector-General of Registration and his Personal Assistant?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: The name of the Inspector-General is J. N. Roy. As regards his Personal Assistant, I want notice of this.

Srijut TAJ BAHADUR SINGH: How long have they held their appointments?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: The former since 1926, and the latter since 1924.

Settlement Press employees.

50. Maulvi LATAFAT HUSSAIN: (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether it is a fact that the Settlement Press employees of Jessore, Chittagong, Berhampore and Barisal sent a memorial to the Hon'ble Member in April last?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to lay on the table a copy of the said memorial?

(*c*) Will the Hon'ble Member be pleased to state what action has been taken in the matter?

(*d*) If no action has been taken, will the Hon'ble Member be pleased to state the reason therefor?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) In April, 1930, the President, Executive Committee, All-Bengal Settlement Compositors' Association, submitted a representation to the Hon'ble Member in charge of the Revenue Department.

(*b*) A copy of the representation is laid on the table.

(*c*) Government expressed their inability to accede to the prayers contained in the representation.

(*d*) Does not arise.

Representation referred to in the reply to clause (b) of unstarred question No. 50.

L. No. 154.

From the PRESIDENT, Central Committee, All-Bengal Settlement Compositors' Association,

To THE HON'BLE SIR P. C. MITTER, KT., C.I.E., Member in charge, Revenue Department, Government of Bengal, Calcutta.

(Through the Director of Land Records, Bengal.)

Dated Jessore, the 3rd April, 1930.

SIR,

I have been desired by my Committee to lay before your honour the following few lines with the hope that they will meet your kind and favourable consideration:—

(1) That we have been serving the benign Government in an important department for a long time; but no improvement either in salary or status has been effected in our case, although we represent the poorest class of Government servants most hard-worked at the same time.

(2) That our service is temporary, and we are employed or discharged according as the department require our services, there being no provision for our continuous employment, and that we are often left to shift for ourselves, at a time of life when it becomes impossible for us to find out new avenues of life.

(3) That the nature of our service does not permit us to lay up something against "the rainy day," and when thrown out of service at the end of each settlement, we often find it difficult to make two ends meet with our children and families, there being no Provident Fund or bonuses for their maintenance in exigent times, in cases of death or removal from service.

(4) That being thus often put to extreme difficulties when thrown out of employment, consequent on the abolition of Presses, it is our humble prayer that a complete list of discharged compositors may be maintained in each settlement, from which to recruit hands in other settlements, when occasion arises or to absorb them in other branches of the department, viz., final checking, copy holding, final janch and in attestation camps.

(5) That we beg to draw the attention of the benign Government to the nature of our duties which often prove fatal to our lives, being subject to lead poisoning, which is an endemic disease.

(6) That we are contract workers, and as such we are not paid for Sundays, or any other holidays, which are granted to officers of the Government. That we had high hopes in our minds in view of the Hon'ble Mr. Marr's statement in the Council on the 18th August, 1928. Our humble prayer is that we may be granted a waiting charge for the days when we are unable to work, on account of illness, as in cases of sick leave in Government offices, and in cases of holidays enjoyed by the employees in the department.

(7) That we belong to middle class *bhadralok* families of the country. The pittance we get by the sweat of our brow with utmost toil, even at the cost of our health, are incompatible with the requirements of the times, the price of every necessary commodity having gone up abnormally. We most respectfully submit that under the present circumstances we are unable to maintain our families with the insufficient income we have, and that our miseries are heightened by the imposition of fines on our scanty pay. Our humble prayer is that the rates fixed for our remuneration more than 20 years ago, when conditions of life were much easier, may kindly be revised in view of the very high prices of necessary articles.

(8) That our humble prayer is that our wretched condition may somewhat be ameliorated by granting us a minimum fixed pay of Rs. 65 per mensem on a graded list, or in the alternative, by granting us an increased fee of Re. 1-9 per 100 lines, as any amount less than the amount prayed for, under the circumstances, being insufficient.

(9) That we are often to do the works of others, such as distribution of types, for which we are not paid anything.

(10) That our last and most fervent prayer is that we may gradually be absorbed into the Government Presses, which we legitimately claim, having served the benign Government, in an important department for the best portion of our lives.

I have the honour to be,

Sir,

Your most obedient servant,

NIBARAN CHANDRA DAS,

President, Central Executive Committee,

All-Bengal Settlement Compositors' Association.

NON-OFFICIAL MEMBERS' BILLS.

The discussion on the Calcutta Municipal (Amendment) Bill, 1930, was then resumed.

Rai Bahadur Dr. HARIDHAN DUTT: On the 12th February before the House adjourned I was speaking regarding my motion that the Calcutta Municipal (Amendment) Bill, 1930, be taken into consideration. I informed the House of the situation regarding the purity of mustard oil in Calcutta. I informed my colleagues how all our efforts to ensure purity of mustard oil under the statutes of the Calcutta Municipal Act were baffled by the action of the traders and manufacturers. I pointed out that a committee of the Corporation had discussed the question of defining edible oils with a view to protect the people from impure articles of diet.

3 p.m.

I pointed out how the Corporation laid down standards regarding important articles of food and how the Government declared that they were unable to lay down standards of all edible oils. I also pointed out how as a result the work of the Health Department of the Calcutta Corporation had also come to a standstill. Indeed the food inspectors at the present moment are being frustrated in their work and when they get any sample, it serves no useful purpose on account of difficulties created by law. With a view to remedy the present state of affairs, it is desirable that the words "edible oil" should be properly defined. With that object in view, I have framed this small Bill which is now before the House for its consideration. If my amendment is accepted, the vendors of oils will be compelled to state the name of the oil which they sell, the standard of purity for particular oil would be applied and the sample be judged accordingly. I tried to obtain opinions of the important bodies concerned in this matter. Under instructions from the Secretary to the Local Self-Government, I circulated my Bill for opinion to a large number of bodies including the Bengal National Chamber of Commerce, the Calcutta Corporation, the Bengal Chamber of Commerce, the Indian Chamber of Commerce, the Calcutta Trades' Association, the Bengal Mahajan Sabha, the Indian Association, the British Indian Association, the Marwari Trades' Association, the Marwari Chamber of Commerce and the Hindu Sabha. I also consulted some of our Muhammadan associations, *viz.*, the Bengal Moslem League, the Indian Moslem Association, the Bengal Moslem Anjuman and the Central National Muhammadan Association. Sir, in response to my circular, I have received from the Indian Association, the Marwari Chamber of Commerce, Bengal Mahajan Sabha, the British Indian Association and the Bengal

National Chamber of Commerce, their whole-hearted support. I am glad to report that the Calcutta Trades' Association has written to me to say that that Association are in complete accord with the amendment sought to be made in my Bill. I will come to the Bengal Chamber of Commerce later on. The Calcutta Corporation unfortunately was not in a happy mood at the time when I communicated with them. They smelt some affront and their dignity was offended. They do not like to communicate with a private member of this House. Their reply was rather strange. I was told that it would be more in keeping with the dignity of the Corporation if my Bill came through the Local Government for their opinion. However, I leave that alone. These are the important opinions that I have received and the papers have already been circulated to all the members of this House, so I need not go into details.

Now, I come to the only opposition which I have received, viz., from the Bengal Chamber of Commerce. I wrote to that body for their opinion and the Secretary of that body very kindly gave me patient hearing and arranged for me conferences with persons who were interested in the question. He also got together certain experts who were competent to advise us as to what should be done to meet the situation. It was pointed out by me in the conference that it was not my intention to check the sale of "vegetable ghee" or to do away with it. It was made clear that if "vegetable ghee" was made up of one kind of oil only that would receive no opposition from my Bill. It was also pointed out that if the "vegetable ghee" consisted of a combination of oils and fats and made up into something which resembles ghee, then for the sake of purity of mustard oil, its circulation should be checked, especially so, because at the present day with our limited knowledge it is impossible to standardise it. The gentlemen who came to the conference were eminent chemists and there was also Dr. Ghose of the Calcutta Corporation who was also an eminent chemist and they between them agreed that it was not possible to standardise any mixture of oil. I understand that "vegetable ghee" is made up of hydrogenated oil and if it is so, I have no objection to it, but if it consists of a combination of oils and fats, then certainly I take my stand against it, on behalf of Hindus and Muhammadans with whom mustard oil is an important ingredient of their food.

Sir, these are my reasons in short which has led me to bring this Bill here. Certainly, Sir, food articles are not to be trifled with and money-making must never be encouraged at the risk of making our people to swallow adulterated and impure articles. It has been pointed out that "vegetable ghee" prepared from one kind of edible oil will meet with not the slightest hinderance from any body. But if all sorts of stuff, even the most abominable articles of oil and fats

rendered solidified and looking like ghee from the chemical process of hydrogenation be thrust upon the Hindu and Muhammadan population of Bengal we must make every attempt to thwart that.

My friend the Hon'ble Minister in charge of Local Self-Government wants the Bill to go to a Select Committee. I am not afraid of Select Committee and I am prepared to place my case before any body of honourable gentlemen for further scrutiny. But I am unable to make out what further light is required in the matter. The question is very simple and the principle involved may well be threshed out here and in a very short time. If, however, the Council decides upon a Select Committee all that I would ask our colleagues here is that the Select Committee should submit their recommendations before the end of this month of February so that I may have the Bill settled in our March session.

The following motion was called but not moved:—

Maulvi HASSAN ALI to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon before the 15th March, 1931.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I would like to move my motion with slight alteration with your permission.

I am informed that Sir Nilratan Sircar is not to serve on the Select Committee. So I have omitted his name and I have added the names of Rai Kamini Kumar Das Bahadur and Haji Badi Ahmed Chowdhury. Sir, I now move, by way of amendment, that the Bill be referred to a Select Committee consisting of—

(1) Rai Bahadur Dr. Haridhan Dutt;

(2) Mr. J. Campbell Forrester;

(3) Rai Bahadur Kamini Kumar Das, M.B.E.;

(4) Haji Badi Ahmed Chowdhury;

(5) Maulvi Muhammad Solaiman;

(6) Maulvi Muhammad Saadatullah;

(7) Mr. I. A. Clark;

(8) Mr. C. W. Gurner; and

(9) the Hon'ble Minister in charge of Local Self-Government Department,

with instructions to submit the report as soon as possible and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

I am sorry, Sir, I cannot speak as a layman with the same amount of confidence with which the hon'ble mover has spoken, but I can assure the House that the Government is in full sympathy with the object of the Bill. Sir, we are as much anxious to see that the people get pure food in spite of what my friend has called an abomination of ghee. I think that it is a very technical matter and it will not be possible to settle this question here on the floor of the House. It may be that unconsciously my friend goes much further in his Bill than he intends to do. It not only excludes mustard oil but all kinds of vegetable mixture. So I think the best course for us would be to refer the Bill to a Select Committee and as my friend has no objection, I need not detain the House much longer over the question.

The following motions were called but not moved:—

Haji BADI AHMED CHOWDHURY to move, by way of amendment, that the Bill be referred to a Select Committee consisting of—

(*1*) The Hon'ble Minister in charge of the Local Self-Government Department,
(*2*) Rai Bahadur Dr. Haridhan Dutt,
(*3*) Dr. Sir Nilratan Sircar,
(*4*) Rai Bahadur Kamini Kumar Das,
(*5*) Munindra Deb Rai Mahasai,
(*6*) Babu Sarat Chandra Mittra,
(*7*) Dr. Naresh Chandra Sen Gupta,
(*8*) Mr. B. C. Chatterjee,
(*9*) Mr. Shanti Shekhareswar Ray,
(*10*) Mr. H. S. Suhrawardy,
(*11*) Maulvi Abul Kasem,
(*12*) Maulvi Abdul Karim,
(*13*) Mr. A. F. M. Abdur Rahman,
(*14*) Khan Bahadur Maulvi Azizul Haque,
(*15*) Maulvi Majid Baksh,
(*16*) Maulvi Syed Nausher Ali,
(*17*) Maulvi Abdul Hamid Shah,
(*18*) Maulvi Tamizuddin Khan,
(*19*) Mr. A. K. Fazl-ul Huq,
(*20*) Maulvi Syed Osman Haider Chaudhuri,
(*21*) Maulvi Nural Absar Choudhury,
(*22*) Maulvi Muhammad Fazlullah,
(*23*) Mr. Syamaprasad Mookerjee, and
(*24*) the mover,

with instructions to submit their report as soon as possible and that the number of members whose presence shall be necessary to constitute a quorum shall be six.

Maulvi ABDUL HAMID SHAH to move, by way of amendment, that the Bill be referred to a Select Committee consisting of—

(*1*) The Hon'ble Minister in charge of the Local Self-Government Department,

(*2*) Rai Bahadur Dr. Haridhan Dutt,

(*3*) Khan Bahadur Maulvi Alimuzzaman Chaudhuri,

(*4*) Maulvi Abdul Hakim,

(*5*) Maulvi Nur Rahman Khan Eusufji,

(*6*) Maulvi Syed Nausher Ali,

(*7*) Dr. Sir Nilratan Sircar,

(*8*) Dr. Naresh Chandra Sen Gupta,

(*9*) Mr. I. A. Clark, and

(*10*) the mover,

with instructions to submit their report before the August session of the Council, and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

The motion of the Hon'ble Mr Bijoy Prasad Singh Roy was then put and agreed to.

The motion of Rai Bahadur Dr. Haridhan Dutt that the Calcutta Municipal (Amendment) Bill, 1930, be taken into consideration therefore failed.

3-15 p.m.

The Bengal Village Self-Government (Amendment) Bill, 1931.

Rai Bahadur KESHAB CHANDRA BANERJI: I beg to move for leave to introduce a Bill to amend the Bengal Village Self-Government Act, 1919.

The motion was put and agreed to. The Secretary then read the short title of the Bill.

Rai Bahadur KESHAB CHANDRA BANERJI: I beg to move that the Bengal Village Self-Government (Amendment) Bill, 1931, be taken into consideration.

The object and the provisions of the Bill have been explained in detail in the Statement of Objects and Reasons and I do not consider it necessary at this stage to dilate on them. The Bill deals with absolutely non-controversial matters—matters in regard to which difficulties are experienced in every-day administration. It is in order to simplify the procedure of work and to remove doubts and ambiguities that this Bill has been introduced. I have in this matter the general support of the chairmen of 17 district boards who have expressed themselves strongly in favour of the Bill, the rest not having yet communicated to me their opinions. I consider the opinions of the chairmen to be of great value, for, it is they who have personal experience of the working of the present Act. There are also provisions which supply certain omissions in the Act now in force.

Some of the outstanding problems of public health in rural Bengal to-day are inseparably connected with milk-supply and the protection of cattle. Veterinary work on an organised scale should form an important part of union board administration. But the present Act does not permit expenditure of union fund on such work. It is in order to legalise expenditure on veterinary treatment and on the maintenance of stud bulls for breeding purposes that provision has been made in this Bill for the union boards to share jointly with the district board or to pay out of their own resources the cost of the veterinary staff, dispensaries, etc., to combat cattle diseases in times of epidemics and on other occasions. I hope the utility of such a provision will be recognised as well as of other provisions such as the establishment and maintenance by union boards of Homeopathic, Ayurvedic and Unani dispensaries since under the present Act they are not competent to undertake expenditure in regard to dispensaries other than allopathic. Provision has also been made for two or more union boards to combine in order to carry out any work of public utility in which they are jointly interested. This question once came up for discussion in 1927, if I remember aright, on a motion moved by one of the members of the Council, but on the objection of the Hon'ble Sir Provash Chunder Mitter, then Minister in charge of the Local Self-Government Department, the proposal was not accepted as it was not permissible under the Bengal Village Self-Government Act, 1919.

I may add in this connection that an important scheme which I have prepared for the expansion and improvement of veterinary work in my district has been kept in abeyance pending the passage of this Bill. The scheme has, through the kindness of my hon'ble friend Khan Bahadur K. G. M. Faroqui received the administrative sanction of Government, but it will not be possible to give effect to it until the proposals therein contained are accepted by the Council.

The present Bill has also the support of the union boards for whose benefit the majority of the proposals are intended. I feel somewhat

nervous to see the amendments tabled by some of the hon'ble members of this House for the circulation of the Bill which, if passed, will only have the effect of shelving it indefinitely and I do not know whether it would be possible to secure the passage of the Bill during the life-time of this Council. Another amending Bill introduced by Mr. Sanat Kumar Roy in the last Council could not see the light of day as he subsequently resigned. There might have been difference of opinion regarding that Bill as its provisions were of a controversial nature, although useful in other respects, but there is nothing objectionable in this Bill as will be evident from the large measure of support I have received from the majority of the district board and the union board associations which unmistakably points to the necessity and urgency of the amendments suggested in the Bill. There are other features of the Bill which require immediate consideration. There is no provision in the Bengal Village Self-Government Act for the union board to grant leave to its president or vice-president. A new section has been inserted on the lines of section 26A of the Local Self-Government Act of 1885 and section 26B of the Bengal Municipal Act, 1884, giving power to the union boards to grant such leave and to elect a substitute which will prevent business of a union board from stagnating when the president is ill or absent for several months. These are, in short, the main features of the Bill, and I would request the hon'ble members who are in favour of circulation of the Bill for eliciting public opinion thereon kindly to withdraw their amendments and thereby assist in the easy passage of the Bill.

The following motions were called but not moved:—

Maulvi ABDUL HAMID SHAH to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon before the 30th July, 1931.

Mr. SHANTI SHEKHARESWAR RAY to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon before the 30th June, 1931.

Maulvi TAMIZUDDIN KHAN to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon before the 30th April, 1931.

Mr. P. N. GUHA to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon before the 31st March, 1931.

Maulvi HASSAN ALI to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon before the 30th March, 1931.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I beg to move, by way of amendment, that the Bill be referred to a Select Committee consisting of—

(*1*) Rai Bahadur Keshab Chandra Banerji;

(*2*) Rai Bahadur Satish Chandra Mukherji;

(*3*) Mr. Sarat Chandra Bal;

(*4*) Maulvi Syed Nausher Ali;

(*5*) Khan Bahadur Maulvi Azizul Haque;

(*6*) Mr. C. W. Gurner;

(*7*) Mr. P. N. Guha;

(*8*) Maulvi Hassan Ali;

(*9*) Mr. A. F. M. Abdur Rahman;

(*10*) Maulvi Abdus Samad; and

(*11*) the Hon'ble Minister in charge of the Local Self-Government Department,

with instructions to submit the report as soon as possible and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

There is no doubt that the amendment suggested by the member in charge of the Bill will prove useful but I do not think it will be possible to go into the details of the Bill on the floor of the House. I would therefore suggest that my hon'ble friend will kindly accept the amendment which I have moved in order to make the Bill more useful and secure it an easy passage.

The following motions were called but not moved:—

Haji BADI AHMED CHOWDHURY to move, by way of amendment, that the Bill be referred to a Select Committee consisting of—

(*1*) The Hon'ble Minister in charge of the Local Self-Government Department;

(*2*) Rai Bahadur Dr. Haridhan Dutt;

(*3*) Dr. Sir Nilratan Sircar;

(*4*) Rai Bahadur Kamini Kumar Das;

(*5*) Munindra Deb Rai Mahasai;

(*6*) Babu Sarat Chandra Mittra;

(*7*) Dr. Naresh Chandra Sen Gupta;

(*8*) Mr. B. C. Chatterjee;

(*9*) Mr. Shanti Shekhareswar Ray;

(*10*) Mr. H. S. Suhrawardy;
(*11*) Maulvi Abul Kasem;
(*12*) Maulvi Abdul Karim;
(*13*) Mr. A. F. M. Abdur Rahman;
(*14*) Khan Bahadur Maulvi Azizul Haque;
(*15*) Maulvi Syed Majid Baksh;
(*16*) Maulvi Syed Nausher Ali;
(*17*) Maulvi Abdul Hamid Shah;
(*18*) Maulvi Tamizuddin Khan;
(*19*) Mr. A. K. Fazl-ul Huq;
(*20*) Maulvi Syed Osman Haider Chaudhuri;
(*21*) Maulvi Nural Absar Choudhury;
(*22*) Maulvi Muhammad Fazlullah;
(*23*) Mr. Syamaprosad Mookerjee;
(*24*) Rai Bahadur Keshab Chandra Banerji; and
(*25*) the mover,

with instructions to submit their report as soon as possible and that the number of members whose presence shall be necessary to constitute a quorum shall be six.

MUNINDRA DEB RAI MAHASAI to move, by way of amendment, that the Bill be referred to a Select Committee consisting of—

(*1*) The Hon'ble Minister in charge of the Local Self-Government Department;
(*2*) Mr. C. W. Gurner;
(*3*) Rai Bahadur Keshab Chandra Banerji;
(*4*) Rai Bahadur Satish Chandra Mukherji;
(*5*) Khan Bahadur Maulvi Alimuzzaman Chaudhuri;
(*6*) Maulvi Abdul Karim;
(*7*) Maulvi Abdul Hakim;
(*8*) Babu Suk Lal Nag;
(*9*) Rai Sahib Panchanan Barma, M.B.E.;
(*10*) Dr. Amulya Ratan Ghose;
(*11*) Mr. Saileshwar Singh Roy;
(*12*) Mr. Shanti Shekhareswar Ray;
(*13*) Babu Satish Chandra Ray Chowdhury; and
(*14*) the mover,

with instructions to submit the report as soon as possible and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Maulvi ABDUL HAKIM to move, by way of amendment, that the Bill be referred to a Select Committee consisting of—

(1) The Hon'ble Minister in charge of the Local Self-Government Department;

(2) Mr. C. W. Gurner;

(3) Babu Jitendralal Bannerjee;

(4) Dr. Naresh Chandra Sen Gupta;

(5) Babu Kishori Mohan Chaudhuri;

(6) Rai Bahadur Keshab Chandra Banerji;

(7) Mr. A. K. Fazl-ul Huq;

(8) Maulvi Abdul Hamid Shah;

(9) Maulvi Tamizuddin Khan;

(10) Maulvi Abdus Samad;

(11) Khan Bahadur Maulvi Azizul Haque;

(12) Babu Satish Chandra Ray Chowdhury;

(13) Maulvi Abdul Karim; and

(14) the mover,

with instructions to submit their report before the next session of the Bengal Legislative Council and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Maulvi SYED JALALUDDIN HASHEMY to move, by way of amendment, that the Bill be referred to a Select Committee consisting of—

(1) The Hon'ble Minister in charge of the Local Self-Government Department;

(2) Khan Bahadur Maulvi Alimuzzaman Chowdhury;

(3) Mr. Altaf Ali;

(4) Kazi Emdadul Hoque;

(5) Babu Kishori Mohan Chaudhuri;

(6) Babu Suk Lal Nag;

(7) Maulvi Syed Nausher Ali;

(8) Dr. Naresh Chandra Sen Gupta;

(9) Rai Bahadur Keshab Chandra Banerji; and

(10) the mover,

with instructions to submit their report on or before the 30th February, 1931, and that the number of members to constitute a quorum shall be four.

Maulvi ABDUL HAMID SHAH to move, by way of amendment, that the Bill be referred to a Select Committee consisting of—

(1) The Hon'ble Minister in charge of the Local Self-Government Department;

(2) Rai Bahadur Keshab Chandra Banerji;

(3) Mr. A. K. Fazl-ul Huq;

(4) Khan Bahadur Maulvi Azizul Haque;

(5) Babu Satish Chandra Ray Chowdhury;

(6) Maulvi Abdul Hakim;

(7) Mr. C. W. Gurner;

(8) Maulvi Azizur Rahman;

(9) Dr. Naresh Chandra Sen Gupta; and

(10) the mover,

with instructions to submit their report before the August session of the Council and that the number of members whose presence shall be necessary to constitute a quorum shall be four.

Mr. W. L. TRAVERS: I would just like to say in reference to this motion that my group support the Hon'ble Minister. I congratulate the Rai Bahadur upon the introduction of the Bill the provisions of which will be indeed very useful. At the same time we consider that they require more investigation and more thought than we can give them in an hour on the floor of the House and therefore we support the motion that the Bill should go to a select committee.

Rai Bahadur KESHAB CHANDRA BANERJI: I accept the amendment which has been moved by the Hon'ble Minister.

The motion of the Hon'ble Mr. Bijoy Prasad Singh Roy was then put and agreed to.

The motion of Rai Bahadur Keshab Chandra Banerji that the Bengal Village Self-Government (Amendment) Bill, 1931, be taken into consideration therefore failed.

The Bengal Jute Bill (II), 1930.

Dr. NARESH CHANDRA SEN GUPTA: I beg to move for leave to introduce a Bill to regulate and control the production of jute.

In doing so I do not want to say anything further now beyond an explanation of the figure (II). I submitted another Bill, *viz.*, the Bengal Jute Bill (I) which is awaiting the sanction of the Governor-General in Council and therefore I have submitted a second Bill which does not require the sanction of the Governor-General in Council.

The motion was put and agreed to. The Secretary then read the short title of the Bill.

Dr. NARESH CHANDRA SEN GUPTA: I beg to move that the Bengal Jute Bill (II), 1930, be circulated for the purpose of eliciting opinion thereon before the 30th March, 1931.

In doing so I should briefly explain to the Council the reasons why I introduce the Bill and the general scheme of the Bill as a whole.

Everybody is aware now that there has been an economic crisis brought on by the sudden fall in the price of jute. But everybody is not agreed as to the exact reasons for this condition and also with regard to the remedy for it. It has been repeated almost *ad nauseum* that this state of affairs is the result of a general world trade depression and has practically nothing to do with the circumstances over which we in Bengal have any control. I dispute that proposition. I do not dispute that the general depression prevailing all over the world has intensified the crisis, but I say that apart from this world depression the jute position this year would not have been very much different from what it is now.

3-30 p.m.

Sir, the world's demand for jute every year amounts to less than one crore bales, and according to official estimates this year the cultivators have produced one crore and twelve lakhs of bales. So that, even without taking into account the carry-over of last year, this means a production of more jute this year than is required for the market, and, naturally, the buyers will have an advantage in that the prices will go down. And if you take into account the further fact that no less than 25 lakhs of bales or more have been carried over from last year, it is easy to imagine that even with the normal demand of jute of 90 lakhs of bales or more, the prices would be miserably low this year. So, it is not the whole truth to say that the situation has been caused by the world economic crisis. We have our own share of blame in it. There has been over-production which has

produced a glut in the market, and if jute which is the most valuable monopoly of the people of Bengal is to yield us all the benefits which it ought to yield by reason of this monopoly, the policy which has been followed in the past cannot be followed any longer. We have got to see that the production of jute is regulated according to the likely demand in the ensuing year. It is not enough, I say, to restrict the cultivation of jute for one single year. What is wanted is that the production of jute should be systematically regulated with reference to the demand in order that the cultivator may be assured of reasonably high prices for the commodity which he produces and which is the mainstay of the economic life of the people of Bengal. Sir, the suggestion that the production of jute should be regulated according to demand has been made for some time past. When the first signs of the impending calamity was felt, some of us represented to Government that steps have got to be taken to tackle the situation. Certain suggestions were made, one of them being that the sowing of jute should be regulated so that there was no over-production. Now, with regard to that the Government attitude has been somewhat inexplicable to us. The Government realise that the fall in the price of jute has caused great distress to the people of Bengal, notably to the cultivators of Eastern and Northern Bengal. The Government realise that the result of this has been a great deal of suffering to all classes of the people and all branches of the trade have been affected by it and even Government revenues have been affected. But, nevertheless, Government are unwilling to restrict the production of jute by taking any steps beyond mere propaganda. We know this from the answers given to certain representations given by Government officials, but the most remarkable answer that has been given is that in which Government stated that they were not prepared to interfere with the liberties of the people in the matter of the production of jute. Well, Sir, this solicitude of Government for the liberty of our people seems rather strange. Sir, we have got liberty to get drunk and go to the dogs, we have the liberty to starve, we have liberty to die of malaria, smallpox and cholera, but when it comes to our most cherished liberties, the Government do not hesitate to pass laws which interfere with our fundamental rights. This solicitude of Government for the liberty of the people is somewhat amazing to us. We do not appreciate it. And I can say—I have been amongst the people, the raiyats, the producers of jute, in fact the people who feed us and clothe us—that these people do not appreciate this solicitude. I have approached the raiyats and I have asked them to speak out their minds, and they are all unanimous in desiring that there should be some restriction put upon the production of jute, because they are not themselves competent to regulate the production as it ought to be regulated. Now, Sir, Government say that they are not unmindful of the tremendous difficulty that has been caused by the fall in the price

of jute this year. It is true they have not done what we asked them to do, namely, to buy and store up the surplus jute this year for next year's market as other Governments in other countries have done in order to put up the prices of wheat, cotton and other commodities. They have held up before us the example of other nations and we have been told that such nations have suffered enormous losses in consequence. Well, Sir, what strikes me most in this connection is that in spite of the tremendous losses that Canada has suffered by such interference, she is still following this policy.

Now, with regard to the restriction of the production of jute, the Hon'ble Minister in charge of Agriculture has told us that Government have been carrying on propaganda to this end. I was wondering what sort of propaganda it was. People in my constituency in the district of Mymensingh, when I went amongst them, seemed to be unaware of any such propaganda. Thousands of villagers do not know of any such propaganda. On the other hand I was shown a large number of leaflets issued and broadcasted by Government all over the country for the purpose of countering movements against union boards, and picketing of liquor shops. But I did not come across a single leaflet advising restriction of the cultivation of jute. It is no doubt true that Government authorised the circulation of leaflets, but I want to know how many of them actually reached the illiterate jute cultivators and how they appealed to them. Then, Sir, the Government leaflets, according to the Hon'ble Minister, contained instructions to the effect that there should be reduction in the cultivation of jute by 50 per cent. How did they arrive at that figure; how did they know that if the cultivators produced 50 per cent. less jute this year, they would have reasonable price next year? I submit there is no basis whatsoever for that conclusion. Some of us have gone into this question deeply, and we are satisfied that unless the production of jute is restricted to 25 per cent. of the present cultivation, the cultivators will not get a good price for their crop next year. Even if there is a slight excess over this figure of 25 per cent., the price is sure to go down. The reason is that on account of the shrinkage in the demand for jute resulting from the world trade depression, it is calculated that the jute crop of this year will be enough to meet the demand of the whole world for full two years, so that even if not a single fibre of jute is grown for the next two years, the world will not feel the want of it. Nevertheless a certain quantity of fresh jute is wanted every year, as people would like to have a working surplus for the mills. For that reason I think that upon a careful calculation of the needs of the trade, 25 per cent. of this year's crop will be all that will be needed to meet the demands of the world market next year. So I submit that to ask the cultivators to produce 50 per cent. of the present output will be to bring ruin on them. I am afraid Government did not mean business: if they did mean business, they would have gone deeply

into the whole question and would have examined the statistics of the export of jute and hessian during the last few months, and, in the light of the information gathered, ascertained what the world demand was likely to be in the next year. I submit, Sir, that what the Government have done will not serve the purpose. It is not Government alone who are moving in the matter. There are others who are equally enthusiastic, if not more, who have been carrying on an intensive propaganda for the restriction of jute cultivation next year. Besides that there is the great practical lesson which the growers of jute have learnt themselves, namely, that they should not produce more jute than is wanted.

Now, Sir, so far as it goes it might possibly be a move in the right direction to tell the cultivators to restrict cultivation, but that would not go all the way. It is necessary further to regulate the production so that jute prices might remain steady for all time to come. Well, it is possible for jute prices to go up by voluntary restriction, and I think it is quite possible that in course of time jute prices will soar up again to 20 or 30 rupees per maund as they did once. But I do not want that there should be these violent fluctuations in price—it does not do any good. The increase in the price of jute has done the cultivators some good: it has improved their standard of living: it has brought money in their pockets no doubt. But at the same time it has its countervailing disadvantages also. I have investigated this matter in the Mymensingh district and in several villages I found that one of the results of the high price of jute has been a tremendous rise in the value of land. In some places in my part of the district the value of one acre of land rose to Rs. 1,000. It would bear no comparison to the prices in non-jute producing places. Now, what does it mean? It means that if a cultivator has one acre of land, he has got Rs. 1,000 worth of property and he has got a borrowing capacity to the extent of Rs. 500 or 600 at least, and he can borrow that amount of money, or even more, on the strength of his one acre of land. Well, it is not from sheer improvidence that he always borrows, though in some cases he does so, but I may say that in numerous cases he borrows for perfectly sound commercial reasons.

3-45 p.m.

One cultivator borrowed, say Rs. 300 for purchasing one *pakhi* of land, which is about one-third of an acre. He thought that out of the profits of jute cultivation he would make he would be able to pay it off in two years. If the price of jute remained steady his calculations would have been satisfactory. But the fall in the price of jute has affected the value of land and now he finds himself in debt to the extent of Rs. 300 with compound interest of which he is not able to pay a pice, and the land he cannot sell at Rs. 300 or even Rs. 100.

So the man who was perfectly solvent when he borrowed Rs. 300 finds himself insolvent for no fault of his own. This sudden fluctuation does not benefit the tenant. It may be good to those who want to turn the jute business into a huge gamble, but it cannot possibly benefit the cultivators. It would be far more beneficial to the cultivator to have a steady price for his produce upon which he can count and on the basis of which he can make his family budget. Now, in order to get a steady price what is wanted is not propaganda for one year, but a definite organisation by which the output of jute every year would be regulated with reference to the demand of jute in the following year. My Bill proposes to achieve this aim by providing an organisation in the first place in Calcutta, a central body which will have not only the Government representatives, those officials who have to deal with agriculture, but also all persons interested in the jute trade. This body will sit and determine sometime in January or February what is likely to be the demand for jute in the world next year. That is a matter which cannot be accurately determined, but it is possible to form a fairly approximate estimate. When that is done they will have to compare the demand of next year with the production of this year and to arrive at a proportion by which the production of this year could be reduced next year. When they have arrived at the proportion they would send requisitions to union boards to regulate the cultivation of jute next year, so that the total area under jute should be reduced in the proportion at which the central body had arrived. I have provided for the rectification of any error in the calculations of the central body. I have provided for district boards and union boards and all registered associations to be entitled to have their say upon the decision of the central board, and when their objections have been heard and the scheme has been finally settled, the union boards will proceed to make a register of jute lands in the villages. When that register has been made, they will have to reduce the area of land under cultivation of each tenant by the same proportion that has been fixed by the central board, with a very slight opening for the exercise of discretion in cases of very small holdings where a proportionate reduction would make it impossible to cultivate the land profitably. With that exception the union boards will be able to reduce the area of cultivation of each cultivator, and when that is done they will revise the jute register. I have had to leave my scheme at that. It would be more satisfactory if, after this, the union boards could be authorised to issue licences for the cultivation of jute. Well, Sir, that is the provision which I have sought to make in the Bill which is awaiting the sanction of Government. That sanction has not been obtained yet. Even if compulsory reduction could not be achieved a great deal might be achieved by a systematic method of jute production. It is no good saying to the cultivator that there has been an over-production of jute and you must curtail your

production by so much. You have got to tell him that you have got to cultivate only this plot and no more. That is exactly what the union boards will be able to do under this scheme which I have framed. Although it has not been possible for me to provide in this Bill for a compulsory restriction, it would be going a great way nevertheless to have this amount of restriction imposed on the raiyats. I have also provided that the union boards will proceed to regulate the production of jute according to that scheme in accordance with the rules to be drawn up by the Government of Bengal. I can conceive that even without compulsory restriction it is possible to regulate the production of jute by means of voluntary organisations, for instance, the organisation of a jute panchayet in every village. That is a matter we have to consider. This is the outline of my Bill. I am asking that this proposal should be considered by the country as it is a matter of vital importance. As I have stated in the Statement of Objects and Reasons, an increase of one rupee per maund in the price of jute means an addition of five crores of rupees to the wealth of the people, and I consider that if by this means we can increase the price of jute by Rs. 5 per maund that will bring us not less than twenty-five crores of rupees, and it is quite possible that the wealth of the people in jute might be increased by this process by fifty crores of rupees. Jute forms the greater part of the wealth of the country and if we are richer by fifty crores by the sale of jute everyone will be benefited. If there are fifty crores or more wealth in the country, there will be fifty crores of rupees of marginal income upon which Government might impose taxes and replenish their purse. I have stated all these in order to convince the House of the importance of my measure, and as I want that the country should consider the proposal, I beg to move that the Bill be circulated for the purpose of eliciting opinion thereon.

Khan Bahadur Maulvi AZIZUL HAQUE: Sir, I welcome this measure as a Bill of paramount importance for the welfare of the agriculturists of this country. I am not yet convinced that the machineries which my friend has proposed in the Bill will in the long run be satisfactory. There are so many complications that it would be difficult for our village union boards to manage the mechanism which the jute trade involves. The union boards have not yet reached that standard of efficiency. All the same I welcome this measure because I consider that this matter should be discussed by different shades of political opinion in this country. I consider that the present jute production is entirely due to the agricultural policy of Government. Last year I discussed this matter when discussing the agricultural budget. For the last 20 years the Agricultural Department have been living upon the Kakiya Bombai and every exhibition and demonstration have been harping upon the same tune.

I will give you a few concrete examples. It will be remembered that in the year 1925-26 there was a boom in the jute trade, and the cultivator got Rs. 25 to Rs. 30 per maund for his jute, but that is not the year in which the Agricultural Department should have asked the cultivator to increase the production of jute. One might expect that the cultivator himself would increase the production of jute, but the Agricultural Department was not satisfied with that, they wanted more production, and a negotiation was started with the Dundee Jute Growers' Association and a sum of Rs. 20,000 was placed at their disposal with a view to give free seeds to the cultivators in the years 1926, 1927 and 1928. That is one of the reasons why jute production has grown in this country without looking into the trade conditions. One would expect that the Agricultural Department should not only busy itself with the market, but would also see whether the saturation point has been reached or not. There is another thing I would like to mention: Jute is particularly suitable to grow only in a few districts of Bengal. According to the report of the Agricultural Department only such districts which have abundant supply of water can grow jute profitably. Jute, therefore, can properly be grown, according to the report of the Agricultural Department, in districts of Faridpur, Mymensingh, Dacca, and probably Rangpur and Tippera. Other districts are not suitable for growing jute. I remember that in the district of Nadia in one particular year jute seed was sold to the extent of one thousand maunds, the total sale being five thousand maunds. Now, the district of Nadia, as is perfectly well known to everybody, is a very poor district, and if the Agricultural Department holds out the prospect of a bumper crop and higher price that should apply to other districts of Bengal as well where you can get enough crop.

4 p.m.

I ask whether the Agricultural Department was justified in their action in the distribution of jute seeds, etc., in districts like Birbhum and Nadia. I consider that it is time that legislation should be seriously considered to control the production of jute. I think it is time that the Government should reconsider its entire policy with regard to the cultivation of jute.

Mr. J. CAMPBELL FORRESTER: Sir, I do not rise to oppose this Bill. I am agreeable that it be sent to a committee, but the part that I oppose relates to restriction. I consider it is not an economical proposition suitable for the welfare of the raiyat. It is a wrong policy. It is not the restriction of jute that is going to rectify the very great slump in prices that has taken place just now. Restriction will not in any way help the raiyats to final settlement of better prices,

for jute is the cheapest fibre in the world, there is no substitute for jute, nor is there any fibre that can compete with it in cheapness. Where the fault lies is that there is no research work done anywhere in this fibre. It is practically the only fibre on which there has been no research work done. In Marseilles there has been a small personal effort put forth, and some small research work done privately, suits of clothes have been made there, and they have been able to mix jute with wool, the manufacturers being able to use up 75 per cent. jute, and they have thus been able to produce suits of clothes at 50 per cent. less than the present prices of clothing. Boston has done a little business in this way also. Germany is at present experimenting, trying to soften the fibre so that it will spin and mix with any other fibre. What is wanted is a process by which you will be able to add to the natural that is already in jute, in a way that it will retain the oil, then to find a process whereby you will be able to extract the hard woody nature out of jute, making it a soft texture similar to wool and then it can mix with any other fibre. If this is done, you could take a Donegal tweed or a Harris tweed suit, and put a jute weft into it, and by this process you would reduce the price at least 33 per cent. of these suits. If research work was carried on successfully, I am convinced that the uses that this jute fibre could be put to would be unlimited. Horse covers, carpets, curtain, clothing, in fact as I have said, its uses would be unlimited. It is not the restriction of jute that will remedy matters and improve the lot of the raiyats, but up-to-date research work, done by capable, earnest, energetic men, men who will make their work a hobby and persist in their research until they have done all that can be done with this fibre. Then, Sir, when this is done, I venture to prophesy that there will be a demand far in advance of the supply. I oppose the Bill and hope the mover of it will consider how best he can get research work started.

Mr. E. C. ORMOND: I am not a jute expert, but as this Bill, whatever its fate, is now only at the beginning of its life, and as even the hon'ble member in charge of it does not now propose to do anything final in the matter, there are one or two points which arise in the Bill which may be of interest and may be investigated by any committee appointed by this House, and will no doubt receive the attention of the persons to whom it is circulated.

In the first place, I notice the Bill is called the Bengal Jute Bill and I also noticed that the hon'ble member in charge of the Bill, with many phrases and hopes stated that the Bill will be for the benefit of the cultivators. I heard him talk a lot about the cultivators, but I have a misgiving that this Bill will be not so much for the benefit of the cultivators as the lawyers in Bengal. If I were speaking as a lawyer

I would not object to anything for the benefit of the lawyers in Bengal; speaking as a member of this House and considering the Bill on its merits for the people of Bengal and the cultivators, might I draw attention to clauses 12 and 14. Clause 12, you will see, among other things states "every union board shall notify all cultivators within the union the total increase or reduction of jute lands." That will mean work for every union board. Members are aware lately of the amount of work that has been going on in connection with the census; that only entails one answer and one circular to everybody in Bengal. This will mean repeated answers and circulation to every cultivator. The Bill goes on to say "and shall invite offers from cultivators within the union individually to increase or decrease the area cultivated by each." Now that will entail knowing every cultivator and the area cultivated by each, and a perpetually moving census of all cultivators all over the unions, and over all the area of jute land cultivated by them.

In clause 14 I see that any person aggrieved by a village scheme framed by the union board may within 15 days from the publication of the scheme appeal to the Director of Agriculture. That will give plenty of work to the lawyer who submits the objection to the Director of Agriculture, but may be of little benefit to the cultivators themselves. Going back, in clause 10, I see "every district board, union board or recognised association may, by a petition setting forth the grounds of their objection. . . . . ." Members of this House all know what a petition in India means. It means many pieces of paper and plenty of work for the lawyer which will not be altogether to the benefit of the agriculturist.

Then, Sir, another point on which I have a misgiving about this Bill is this: how is this Bill to be enforced? How is the restriction to be enforced? I could understand it if every cultivator in Bengal was a member of a Trade Union, a Jute Union, and he contracted with the Union to obey the rules laid down by the Union and would stand by whatever his superior officers dictated to him. He would then be bound by contract to any restriction which would be imposed upon him by his officers; as is the way in Trade Unions. I could understand it if any cultivator who cultivated more or less than that allowed to him by the scheme, would be considered a criminal. If a criminal law could be brought into force, I could understand that the scheme might be enforced. But in this Bill I fail to see how this can be enforced. I take it that at the present time when so many people in Bengal are making such a point of insisting that individuals should not be forced to obey laws which are not imposed on them by their own wishes, I take it that members will think twice before they frame such a law as will make any disobedience to the restriction of the rules laid down by this Bill, a heinous crime. If this cannot be done, I fail to see how the cultivator can be brought into line.

Then, Sir, there is one other matter which is perhaps only a matter of detail. I see it suggested that the Bill be circulated and that opinions should be received before the 31st March. It appears to me that this Bill which is to be circulated seems to be a Bill full of many new ideas which will make great changes in the Province; and if it is to be circulated for people to give an opinion before the 31st March I take it this is rather shorter notice than it ought to be in any case.

Having already said that the Bill is only in the beginning of its life, I will not say anything more. We, on this side of the House, will not object to its circulation. I myself will vote for its circulation, if it is put to the vote; but I do so, Sir, on the understanding that when it comes up again, I shall not be taken then to have given my approval to the Bill.

4-15 p.m.

Babu KISHORI MOHAN CHAUDHURI: Sir, wholeheartedly I support Dr. Naresh Chandra Sen Gupta's motion. Sir, as every body knows in the case of jute the real danger is over-production and the result is that the raiyats not being able to sell their jute could not purchase the necessaries of life. In that way paddy-growers also suffer because there is no market as the jute-growers were the main purchasers of paddy. In my district of Rajshahi *ganja* is cultivated much and a Deputy Magistrate goes there to ascertain the condition of produce before giving out licences. Could this not be done in the case of jute? I see no reason why should there be opposition to this view. Let the public and the general cultivators say what they have got to say. And for that reason I support the motion for circulation of the Bill.

Rai Bahadur KESHAB CHANDRA BANERJI: Sir, Dr. Naresh Chandra Sen Gupta undoubtedly deserves the thanks of the people for bringing forward this Bill. It is needless for me to dilate on the necessity for legislation to restrict the cultivation of jute, particularly in view of our unfortunate experience this year. The Hon'ble Minister in charge of the Department of Agriculture and Industries in reply to an unstarred question put by Rai Sahib Akshoy Kumar Sen to-day has given us to understand that leaflets have been distributed amongst cultivators strongly urging the restriction of jute cultivation next year. I do not know whether the instruction of the Agriculture Department to the cultivators for restricting the cultivation of jute to 50 per cent. will serve any useful purpose. Mere distribution of leaflets will serve no useful purpose. It is necessary in the interest of the cultivators that an intensive propaganda should be started for educating public opinion, for explaining to the cultivators the evils of over-production so that they may know that it is not to their interest to cultivate jute next year. The activities of the Agriculture Department

in regard to this matter is better known to the department than any body else. It has been suggested to Government times without number that some sort of measure has become necessary to restrict the cultivation of jute so that poor cultivators may get a fair return for their labours. I do not wish at this stage to trench upon the time of the Council by unnecessarily dilating upon the question which is of paramount importance to us all.

As the measure is fraught with far-reaching consequences, the public should be given an opportunity to express their opinions on it. I, therefore, wholeheartedly support Dr. Naresh Chandra Sen Gupta's motion for circulation of the Bill.

Maulvi NUR RAHMAN KHAN EUSUFJI: Sir, I support the Bill which has been introduced by Dr. Naresh Chandra Sen Gupta and I wish to say a few words in support of it in Bengali.

Mr. PRESIDENT: I think, Maulvi Sahib, you speak English very well. Then why do you want to speak in Bengali.

Maulvi NUR RAHMAN KHAN EUSUFJI: I wish to speak in Bengali, Sir.

Mr. E. C. ORMOND: On a point of order, Sir. The hon'ble member is, if I am not mistaken, a pleader and is accustomed to speak in courts in English. I would suggest that he may continue to speak in English here so that we, English-speaking members of the Council, may follow him.

Mr. PRESIDENT: This is not a point of order, but I may tell Mr. Ormond that our rules are very elastic so far as this particular point is concerned. Section 11 says that if a member is not fluent in English he may be allowed to speak in any recognised vernacular of the Province.

Maulvi NUR RAHMAN KHAN EUSUFJI: Sir, I find more facility in speaking in Bengali. Therefore I wish to speak in Bengali.

As the hon'ble member began to speak in Bengali, Mr. President interrupted him.

Mr. PRESIDENT: Order, order. You are speaking in Bengali before getting my permission to do so. I would advise you to speak in English to-day and if you find any considerable difficulty in doing so, you may let me know hereafter.

Maulvi NUR RAHMAN KHAN EUSUFJI: I did not know that the President should be informed of my intention; however, I intend to speak in Bengali.

Mr. PRESIDENT: I am afraid I cannot allow you to speak in Bengali, to-day.

Maulvi NUR RAHMAN KHAN EUSUFJI: I am prepared in Bengali. However, if I am not allowed to speak in Bengali, I shall speak a few words in English.

Sir, I offer my wholehearted support to the Bill that has been brought forward by my friend to my right. The distress and suffering of the peasantry of Bengal are now well-known to the country at large. It is very difficult for us to clearly understand the position from beneath the fans of this Council Chamber; and if any body wants to realise their position, he should go to the huts of villagers and acquaint himself with miseries of life of the poor peasants there. The distress that is now going on in the country has come to be experienced by rajas and maharajas—by the middle-class people and the peasantry alike. It is entirely due to the fall of the price of jute. The peasants of Bengal who are the producers of jute have very little scientific knowledge. They do not know how to grow jute efficiently. They are not at all acquainted with what is going on in the outside world. They do not know the law of supply and demand. They are very credulous; and if they are told "do not grow jute so much" they will have suspicion in their minds believing that those persons who are giving them instruction must have also some motives behind them. Sir, it is high time now that certain legislation should be on the statute book in order to regulate the growth and production of jute. The Bill that has been brought forward by my friend, Dr. Naresh Chandra Sen Gupta, is quite in the fitness of time and I welcome it with all my heart.

The Hon'ble Khan Bahadur K. C. M. FAROQUI: Sir, with reference to the remarks which have been made on this motion regarding the attitude of Government, I rise to explain what Government have been doing in regard to the matter. The question as to the steps which can be and should be taken with regard to the present depression, was discussed threadbare with the deputation which waited on His Excellency at Darjeeling in October last and was also informally discussed by me with the representatives of the District Board Conference about that time, and subsequently at the Conference convened by the National Chamber of Commerce which was attended by the Hon'ble Mr. Marr and myself. There was an overwhelming majority of opinion against restriction by legislation of the area under jute cultivation.

In any event, the question is, by no means, free from difficulty, specially as more than one province is concerned in the matter. As members of this House are aware, jute is grown not only in Bengal but also in the neighbouring provinces of Bihar and Orissa and Assam, so

that even if any action is considered necessary by any one of these provinces, similar line of action should be adopted by the other two provinces in order to produce any effect.

Sir, it has been said on the floor of this House that the action of the Agriculture Department in distributing improved variety of seeds and thus bring about a larger production of the crop when the price of the crop was high, has brought about the present slump in prices. I take it, and I am sure members of this House will agree with me, that this criticism of the activities of the Agriculture Department is really to an admission of the good work done by that department. For it can hardly be denied that the object of the Agriculture Department is to popularise the use of improved variety of seeds with a view to obtaining a larger outturn.

However, to meet the present situation, this Government have undertaken propaganda for the restriction of the area under cultivation by 50 per cent. for the next year's crop, and the Agriculture Department have also recommended the crops which could be profitably substituted for jute in the area thus set free. This is the only action that this Government have found feasible to take, for the present, to deal with the situation which has been a cause of anxiety to Government no less than to any one else. We all trust, however, that the situation is a temporary one and will soon pass away. In the meantime, although Government have not thought any other action to be feasible, they did not oppose the introduction of the Bill, and also support the motion for the circulation of the Bill for the purpose of eliciting public opinion as it concerns various interests whose opinion, it is only just and fair, should first be consulted.

The motion that the Bengal Jute Bill (II), 1930, be circulated for the purpose of eliciting opinion thereon before the 30th March, 1931, was then put and agreed to.

4-30 p.m.

The Bengal Municipal (Amendment) Bill, 1931.

Rai Bahadur KESHAB CHANDRA BANERJI: I beg to move for leave to introduce a Bill to amend the Bengal Municipal Act, 1884.

The motion was put and agreed to.

The Secretary then read the short title of the Bill.

Rai Bahadur KESHAB CHANDRA BANERJI: I beg to move that the said Bill be taken into consideration.

Sir, the installation of a sewerage system in a city necessarily brings into prominence added responsibilities for the local municipality. Less justification remains for permitting obsolete privy structures detrimental to public health to continue by the irregular exercise of the somewhat vaguely defined discretionary powers vested in the Municipal Commissioners under section 224 of the Bengal Municipal Act. The Sanitary Board prescribed a set of rules for the regulation of privies and urinals in municipal areas as far back as 1901, but though three decades have nearly passed, the rules cannot even now be adopted by the municipalities in view of a hiatus in clause (*c*) of section 350 of the present Act. This clause provides for the management of privies and urinals, but is silent in the matter of construction and maintenance of these structures. These specific provisions alone can enable the municipalities outside Calcutta to frame bye-laws as contemplated by the Sanitary Board. In Bengal there are only two municipalities, *viz.*, Dacca and Tittagarh, where that sewerage system is in working order. In the city of Dacca a large number of people are daily coming forward with applications for permission to erect connected privies, but there are no bye-laws in force to regulate the erection and maintenance of highly defective privy structures. The administrative difficulty experienced has been real and serious and the interest of public safety requires that the municipal authorities should have adequate powers for dealing with the situation. It is, therefore, necessary that section 350(*c*) of the present Act should be amended by the insertion of the words "construction and maintenance" after the word "management," and the addition of the following clauses for purposes of dealing with the question of privies. As section 241 of the Act is interrelated with section 350(*c*), an amendment of this section is also proposed by the insertion of the words "privies, drains and urinals."

In a large number of cases in the municipality of Dacca, not excluding simple cases under section 224, the owners concerned have effectively obstructed the municipality by the expedient of requiring proofs that the introduction of Parts VI, VII or Part IX of the Act was made exactly in the manner contemplated in sections 222, 223 and 354 of the Municipal Act. The present Bill aims at removing this difficulty.

The existing section 224 of the Act does not specifically provide for a requisition for connected privies. The proposed section 224A aims at supplying the omission.

As by reason of poverty of the owners concerned, improvements in particular privies, though urgently called for in the public interest, are being held up, an amendment of section 247 is proposed to enable the expenses to be incurred in this connection to be paid partly or wholly out of the Municipal Fund. A similar provision will be found in section 316 of Act III B. C. of 1899 for Calcutta.

The last amendment, namely, in section 271 of the Act, is necessary to bring the new provision under section 224A into line with similar sanitary provisions of the Act, in the matter of enforcing penalties in cases of inexcusable default on the part of the owners concerned.

Sir, I find that amendments have been tabled to circulate the Bill for eliciting public opinion thereon. I would like to inform the hon'ble members who have tabled such amendments that this Bill is a very modest one—it is even simpler than my Bill to amend the Bengal Village Self-Government Act which has just been referred to a Select Committee. The amendments suggested will enable municipalities where a sewerage system exists, to grant sewer connections more freely than they are able now to do, and I would request the members who favour circulation of the Bill kindly to withdraw their amendments.

The following motions were called but not moved:—

Mr. P. N. GUHA to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon before the 31st March, 1931.

Maulvi HASSAN ALI to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon before the 15th March, 1931.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I beg to move, by way of amendment, that the Bill be referred to a Select Committee consisting of—

(*1*) Rai Bahadur Keshab Chandra Banerji;

(*2*) Khan Bahadur Maulvi Alimuzzaman Chaudhuri;

(*3*) Mr. P. N. Guha;

(*4*) Haji Badi Ahmed Chaudhuri;

(*5*) Rai Bahadur Kamini Kumar Das;

(*6*) Mr. C. W. Gurner, I.C.S.;

(*7*) Rai Sahib Rebati Mohan Sarkar;

(*8*) Babu Lalit Kumar Bal;

(*9*) Babu Satyendra Kumar Das; and

(*10*) myself,

with instructions to submit their report as soon as possible and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

The following motions were called but not moved:—

Haji BADI AHMED CHOUDHURY to move, by way of amendment, that the Bill be referred to a Select Committee consisting of—

(*1*) The Hon'ble Minister in charge of the Local Self-Government Department;

(*2*) Rai Bahadur Dr. Haridhan Dutt;

(*3*) Dr. Sir Nilratan Sircar;

(*4*) Rai Bahadur Kamini Kumar Das;

(*5*) Munindra Deb Rai Mahasai;

(*6*) Babu Sarat Chandra Mittra;

(*7*) Dr. Naresh Chandra Sen Gupta;

(*8*) Mr. B. C. Chatterjee;

(*9*) Mr. Shanti Shekhareswar Ray,

(*10*) Mr. H. S. Suhrawardy;

(*11*) Maulvi Abul Kasem;

(*12*) Maulvi Abdul Karim;

(*13*) Mr. A. F. M. Abdur Rahman;

(*14*) Khan Bahadur Maulvi Azizul Haque;

(*15*) Maulvi Syed Majid Baksh;

(*16*) Maulvi Syed Nausher Ali;

(*17*) Maulvi Abdul Hamid Shah;

(*18*) Maulvi Tamizuddin Khan;

(*19*) Mr. A. K. Fazl-ul Huq;

(*20*) Maulvi Syed Osman Haider Chaudhuri;

(*21*) Maulvi Nural Absar Choudhury;

(*22*) Maulvi Muhammad Fazlullah;

(*23*) Mr. Syamaprosad Mookerjee;

(*24*) Rai Bahadur Keshab Chandra Banerji; and

(*25*) the mover,

with instructions to submit their report as soon as possible and that the number of members whose presence shall be necessary to constitute a quorum shall be six.

MUNINDRA DEB RAI MAHASAI to move, by way of amendment, that the Bill be referred to a Select Committee consisting of—

(*1*) The Hon'ble Minister in charge of Local Self-Government Department;

(*2*) Mr. C. W. Gurner;

(*3*) Rai Bahadur Keshab Chaudra Banerji;

(*4*) Mr. Prafulla Kumar Guha;

(*5*) Rai Sahib Sarat Chandra Mukhopadhaya;

(*6*) Babu Haribansa Roy;

(*7*) Dr. Amulya Ratan Ghose;

(*8*) Khan Bahadur Maulvi Alimuzzaman Chaudhuri;

(*9*) Raja Bhupendra Narayan Sinha Bahadur, of Nashipur; and

(*10*) the mover,

with instructions to submit their report as soon as possible and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Rai Bahadur KESHAB CHANDRA BANERJI: I accept the amendment of the Hon'ble Minister, Sir.

The motion of the Hon'ble Mr. Bijoy Prasad Singh Roy was then put and agreed to.

The motion of Rai Bahadur Keshab Chandra Banerji that the Bengal Municipal (Amendment) Bill, 1931, be taken into consideration therefore failed.

The Bengal Cattle Bill, 1931.

MUNINDRA DEB RAI MAHASAI: I beg to move for leave to introduce a Bill for the protection of cattle in Bengal.

The motion was put and agreed to.

The Secretary then read the short title of the Bill.

MUNINDRA DEB RAI MAHASAI: I beg to move that the said Bill be taken into consideration.

The object of the Bill has been clearly set forth in the Statement of Objects and Reasons. I, therefore, think that I need not tax the patience of the House with a long speech. The Bill is intended to provide for the maintenance of stud bulls by district boards and other local bodies and let them out on certain prescribed fees. The deterioration of cattle in India is due mainly to the want of good

breeding bulls. In the Survey and Census of the Cattle of Bengal (1915) page 22, the then Director of Agriculture, Bengal, Mr. J. R. Blackwood, remarked that "there is not a single district in the province which has an adequate supply of good breeding bulls and he opined that "the old Hindu system of breeding by means of sacred Brahmini bulls was a good one from the point of view of the cattle themselves, because it ensured that the calves dedicated were picked animals and the practice of allowing them to roam at will ensured that they were well fed and had plenty of exercise." In the ruling of the Calcutta High Court, as reported in the Indian Law Reports, Volume 17, page 852, it has been held that any Brahmini or Khodai bull set apart for any religious purpose and used for breeding purposes can be seized for drawing municipal scavenger carts or can be employed for any other purpose ignoring the benevolent intentions of the donor. In this Bill I have provided for the punishment of those who used the Brahmini and Khodai bulls for any other purpose than that of breeding. Sir John Woodroffe, sometime ago, remarked that the evil effects of the *res-nullius* judgments should be remedied by direct legislation, vesting the Brahmini bulls in municipalities, district boards and local bodies which bodies again are to be compelled to maintain themselves or cause to be maintained by making suitable grants, by any public or private body a minimum number of good breeding bulls commensurate with their income and proportionate to the cattle within their jurisdiction. Mr. D. Meadows, M.R.C.V.S., and Dr. Voeleker were of opinion that everything should be done to encourage keeping of good bulls, specially for stud purposes and district boards bulls should be provided to as large an extent as possible. Colonel G. K. Walker, Messrs. Jacob, Wood, Mackenzie, Knight and Taylor, connected with the Board of Agriculture in India, held that it is incumbent on Government to encourage and foster the cattle breeding industry with vigour. This Bill is meant to help the improvement in the breed of the cattle in this province. Experts in veterinary science emphasize the fact that the best means to get a good and plentiful supply of milk is to cover the cows by good bulls. In the statistics of bulls in Bengal compiled by Mr. Blackwood, I find that in the neighbouring district of Howrah, for example, the number of Brahmini bulls is 54 against 62,941 local cows and the proportion of Brahmini bulls to cows is 1 to 1,535. Sir John Woodroffe in his report stated that in Bengal there are only 71 pedigree stud bulls of which 36 belong to Government and 35 to private individuals to cover 7,000,000 cows. A committee appointed by the Board of Agriculture in India to consider the question of improving breeds of cattle consisting of the Hon'ble Mr. H. R. C. Haily, I.C.S. (United Provinces), Col. Pease (Punjab), Lieut.-Col. Farmer, Dr. Parr and Messrs. G. Evans (Central Provinces), Hamilton, Sitole (Baroda), and Smart (Bombay), after careful inquiry came to the conclusion that "the drain on the existing breeding centres had become so severe that

the price of cattle was eating seriously into the profits of such cultivators as rely exclusively on them for their plough-cattle." They held that the number of cattle-breeding stations were "wholly inadequate in nearly all provinces," and recommended an increase in their number. They were of opinion that "there appears to be a distinct danger of valuable indegenous breeds dying out." It is most essential that separate farms should be devoted by Government for maintaining the purity of these breeds. Certain definite tracts should be recognised as breeding tracts and effort at first concentrated in these areas, and special staff attached to them who will devote themselves to the question of supply of bulls, regulating of breeding, advising as to rearing, etc. The opinion of the experts just quoted would go to show the urgent necessity of the maintenance of stud bulls for breeding purposes.

I should also like to point out that the number and quality of cattle both for the purposes of production of milk and cultivation of land are far from being satisfactory. If we compare the proportion of cattle to population and area of this country with that of similar countries of the world we find, for example, the proportion of cattle to population in Denmark to be 25 per cent. greater and in New Zealand 150 per cent. greater than that of India, while the proportion of cattle to area in Denmark is 50 per cent. greater and in New Zealand 125 per cent. greater than that of India. The comparative figures speak for themselves, specially in an agricultural country like India. I think I need not dilate further over the matter.

I verily believe that this Bill, if enacted, will to a certain extent help the improvement of the breed of cattle and the increase in the supply of milk and milk products which are essential factors for the building up of a nation.

4-45 p.m.

Maulvi SYED JALALUDDIN HASHEMY: Sir, I rise to oppose this dangerous Bill with all the emphasis in my command. Sir, I use the word "dangerous" advisedly. I must at the outset confess that I have not had time to go into the Bill thoroughly. Only to-day I have had an opportunity of reading some of the clauses of this Bill. Clauses 3 and 4 of the Bill have attracted my attention. Sir, I cannot conceive that anybody can propose to send a man to jail for two years for injuring a bull, whether it is a Brahmini or Khodai. I think the hon'ble member in charge of the Bill has no idea of the rigours and horrors of jail life. Sir, I shall relate a story of a stud-bull for the information of members of this House, particularly the hon'ble member in charge of the Bill. Sir, only seven years ago, out of local patriotism, I was induced by one of my friends, who is interested in these matters, to secure a stud-bull. We came to Calcutta and secured with great difficulty one bull, and no

less a person than the late Mr. B. Chakravarti of revered memory kindly gave us one of the biggest bulls, like the ones that can be found in the streets of Calcutta. Sir, we took it to our village, and the union board of that village sanctioned Rs. 10 a month for the maintenance of the bull. We realised four annas from each man for the maintenance of this bull. Sir, in course of time we gained a very bitter experience. Some 30 cows conceived in the course of one year, and out of those 30 cows 27 died, being unable to give birth to any calves. At last, the union board decided to stop the grant of Rs. 10 a month, and the bull was let loose. Sir, I know that the agriculturists hold their crops more valuable than any bull. Sir, that bull created havoc in the locality by eating up their crops, and every one—particularly the middle-class *bhadraloks*—were disgusted with the bull. We decided to send the bull to the pound, but the pound-keeper had no need for it. Lastly, we went to the local Sub-Inspector of Police for help. However, in course of time that bull was killed—I do not know whether it was killed by the Hindus or the Muhammadans. The result was that communal tension arose. I see Mr. L. R. Fawcus here to-day. He was the District Magistrate of Khulna at the time, and he can say with what great difficulty he met the situation and solved the problem. This Bill, if passed, I am sure will be misunderstood and misinterpreted. Sir, we cannot protect ourselves. Sir, we know the heavy tolls that are levied by malaria, cholera, and other diseases. We have not yet forgotten the statement of Dr. Bentley. He wanted one pice per head to eradicate the evil of malaria. The other day we got the report of the Public Health Department, in which the Director says that the incidence of phthisis has increased by 150 per cent. in the course of last year. Sir, we cannot find anything to eat—we are dying. Let us protect ourselves first, and then naturally, if we can protect ourselves, we shall be able to protect our cows.

Sir, if this Bill is passed into law, district boards and local boards will have to pay for the maintenance of bulls. But from our experience we can say that the amount spent will be so much money mis-spent. Therefore, before considering any item in the Bill I would request the members of this House to reject it summarily now, because now is the time to look into our own discomforts, into our own diseases. We should look to the excavation of silted-up rivers and khals and make the land more fertile. This is not the time to give attention to such minor matters as the maintenance of bulls, which can be solved easily if we can solve these bigger problems.

Maulvi SYED MAJID BAKSH: Sir, I should like to point out to the hon'ble member in charge of the Bill that the Bill is absolutely unworkable. The hon'ble member provides in his Bill that the cost of the maintenance of the bulls should be met out of the income of the

pounds, but the income from the pounds nowadays goes to union boards. Sir, if the district boards at all think that the Bill should be carried into effect, they should remember that they will have to maintain the bulls. And if Rs. 30 is the minimum cost for maintaining a single bull for a month, then 500 bulls would cost Rs. 1,50,000. That will certainly be a costly burden, and no district board will be inclined to maintain bulls, and if they do, it will be a heavy burden on their finances, and so from the point of view of practicability the Bill will be unworkable, and I hope the hon'ble member will withdraw it.

Mr. W. H. THOMPSON: Sir, I gave notice of a motion for circulating this Bill for the purpose of eliciting opinion thereon before the 30th March next. I am not sure whether you will call upon me to move it———

Mr. PRESIDENT: I think the best thing would be for the Hon'ble Minister to move his amendment now. Members who have given notice of similar amendments should follow him up.

Mr. W. H. THOMPSON: Sir, my natural modesty impels me to wait till the Hon'ble Minister has moved his amendment.

The Hon'ble Khan Bahadur K. G. M. FAROQUI: Sir, I beg to move that the Bill be circulated for the purpose of eliciting opinion thereon within two months from the date on which this motion is carried in Council.

In doing so, I would mention that the Bill as now introduced is almost identical with that which was presented to the Council by Dr. Moreno on more than one occasion. As some of us present here will remember, Dr. Moreno's Bill had rather a chequered career in Council in 1925-26. In the August session of 1925, leave for the introduction of the Bill was refused by the Council. Subsequently in the December session of that year the Council agreed to the introduction of the Bill which was referred to a Select Committee. The Select Committee's report was submitted in the following August session but the motion for the consideration of the Bill was lost. It will be obvious from what I have stated that this measure did not find favour with the legislature in the past. Government would not, however, oppose the introduction of the Bill which may take its chance with the Council as now constituted, but they consider it essential that in an important measure like this concerning various interests and on which opinion is by no means unanimous public opinion should first be consulted. Further, the Bill would throw the whole work practically in connection with the operation of the Bill, if passed, on the local bodies and it is only in the fitness of things that they should have some say in the matter before

being saddled with this additional duty. Moreover, the agenda before the Council will show that motions for circulation of the Bill for eliciting public opinion have already been tabled by members of more than one group in the Chamber. In these circumstances I trust that my motion would be accepted by the House.

5-15 p.m.

The following amendments were called but not moved:—

Maulvi ABDUL HAMID SHAH to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon before the August session of the Council.

Maulvi TAMIZUDDIN KHAN to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon before the 30th June, 1931.

Mr. P. N. GUHA to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon before the 31st March, 1931.

Mr. W. H. THOMPSON and **Maulvi SYED JALALUDDIN HASHEMY** to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon before the 30th March, 1931.

Maulvi HASSAN ALI to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon before the 15th March, 1931.

Mr. W. H. THOMPSON: In respect of a Bill introduced in the House earlier this afternoon, Mr. Travers expressed the attitude of this section of the House towards legislation intended to supply a defect in an existing Act which had come to light in its working. Such a case may be urgent legislation and this group is not averse to consideration and passage of such a Bill or to its being sent to a Select Committee. Half way through January we received notice that the Bengal Cattle Bill would be introduced and that the member-in-charge would move that it should be taken into consideration and passed. That was before any of us had seen the Bill though we had some idea what was likely to be in it. I gave notice then of a motion for circulation as a protest against what appeared to be hasty legislation. This Bill is not by any means a Bill of the type to which Mr. Travers referred. There is nothing emergent in it and, indeed, it refers to a matter that requires a good deal of thinking over. We received the Bill itself only a few days before the session commenced and have had little time for more

than a cursory glance through it, but that is enough to show us that it is a Bill which may very easily prove contentious and has things in it which may give it a communal turn.

Having read the Act I am impressed unfavourably by the fact that it appears to be so designed that it will perpetuate the anachronism of cattle lying about and wandering uncontrolled in Clive Street or in front of the High Court. I would draw the attention of the House to what appears to me an extraordinary contrast between the attitude of the Bill towards the offences referred to in clause 3 and those referred to in clause 4.

Clause 3 says that if anybody sells or keeps for sale an animal affected by a serious infectious disease, one of the epizootic diseases to which the Act refers, the penalty will be a fine of Rs. 25 or imprisonment for one month. If, however, a person maims a Brahmini bull, the penalty is to be an imprisonment for two years or a fine of Rs. 500. I submit that in the disparity between those penalties there is something that makes one think what is behind this Bill. It is apparently not a Bill merely to attempt to keep cattle in Bengal strong and healthy.

Babu KISHORI MOHAN CHAUDHURI: Sir, I support the proposal. As regards the details, they will be considered later. At present the suggestion is that the Bill is circulated for eliciting public opinion. To my mind it is a very useful Bill. I could not understand the difficulties pointed out by my friend. The bull could be sold by public auction or some other way. In the mufassal not only the Hindus but also the Muhammadans find great difficulty in obtaining a good strong bull for breeding purposes. Some protection should be given to the Brahmini and Khodai bulls which are specially intended for these purposes. Therefore, I think, the district boards should take the entire responsibility of feeding these bulls; the people themselves would also, I am sure, undertake to maintain them. In order, however, to ascertain in what way this could best be done the Bill should be circulated for obtaining public opinion. With these words I support the motion that has been moved by the Hon'ble Minister.

Mr. P. N. GUHA: The Hon'ble Minister has said that on several occasions there had been attempts to introduce a measure like this in the Bengal Legislative Council. It may be known to the members of this House that there is an association known as the Gorakshani Sabha, of which Mr. Justice Woodroffe was the President. This association tried to bring a Bill before the House and many of us were approached on this behalf. The advocates of the Bill, however, could not secure any Hindu member to pilot that Bill, and they got hold of Dr. Moreno, representative of the Anglo-Indians, to pilot it. The Bill went to a Select Committee, of which I was a member. In the Select Committee

I found how very difficult it was for the members representing different communities to come to an agreement over this question. Eventually we came to the conclusion that no such Bill should be piloted through the Legislative Council and the Bill was dropped. I am very sorry that my friend Munindra Deb Rai Mahasai has thought it proper to bring forward such a Bill just at a time when we want to avoid all sorts of friction between communities and communities. A question like this cannot but create friction between Hindus and Muhammadans and other communities. I should have liked that the Bill would not have been introduced at all, but as the Bill has been introduced and the Bill is going to be discussed, I hope the mover of the Bill will in the meantime reconsider the matter very seriously whether he thinks it proper to move a Bill of this nature in a provincial legislature at this moment, because the introduction of a Bill like this conclusively proves that the safeguards of which we are talking are necessary.

A MEMBER: I move that the question be now put.

The motion of the Hon'ble Khan Bahadur K. G. M. Faroqui was then put and agreed to.

The motion of Munindra Deb Rai Mahasai that the Bengal Cattle Bill, 1931, be taken into consideration therefore failed.

The Calcutta Municipal (Amendment) Bill, 1931.

Maulvi ABUL KASEM: Sir, I beg to move for leave to introduce a Bill to amend the Calcutta Municipal Act, 1923.

The motion was put and agreed to.

The Secretary then read the short title of the Bill.

5-15 p.m.

Maulvi ABUL KASEM: I move that the said Bill be referred to a Select Committee consisting of—

(1) the Hon'ble Minister in charge of the Local Self-Government Department;

(2) Mr. C. W. Gurner, I.C.S.;

(3) Mr. W. H. Thompson;

(4) Maulvi Abdul Karim;

(5) Khan Bahadur Maulvi Azizul Haque;

(6) Dr. Naresh Chandra Sen Gupta;

(7) Mr. H. S. Suhrawardy;

(8) Babu Jitendralal Bannerjee;

(9) Mr. B. C. Chatterjee;

(10) Maulvi Muhammad Solaiman; and

(11) myself,

with instructions to submit the report as soon as possible and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Sir, I have consulted with some of my colleagues of this House and I understand that there is a motion for circulation of the Bill for public opinion and as I have no objection to that I would not speak anything more on my motion.

Mr. PRESIDENT: Have you taken the consent of the members whom you name?

Maulvi ABUL KASEM: I have taken their verbal consent.

Mr. PRESIDENT: In that case your motion is out of order.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: Sir, I move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon before the 15th May, 1931.

Maulvi ABUL KASEM: I accept it.

Mr. PRESIDENT: What do you mean by that?

Do you want to move it as your own motion, Maulvi Sahib?

Maulvi ABUL KASEM: No, I accept the motion as it is moved by the Hon'ble Minister.

Mr. PRESIDENT: Your motion has already been ruled out of order. Hence, the Hon'ble Minister's amendment to your motion does not arise. But you can move the motion which stands in his name as your own.

Maulvi ABUL KASEM: I move that the Bill be circulated for the purpose of eliciting opinion thereon before the 15th May, 1931.

The motion was put and agreed to.

The Bengal Agricultural and Sanitary Improvement (Amendment) Bill, 1931.

Maulvi ABDUL HAKIM to move for leave to introduce a Bill to amend the Bengal Agricultural and Sanitary Improvement Act, 1920.

The motion was put and agreed to.

The Secretary then read the short title of the Bill.

Maulvi ABDUL HAKIM: Sir, I beg to move that the said Bill be taken into consideration.

Now, Sir, in support of my Bill I wish to say the following words for the consideration of the House. This is a very short amendment to remove a great obstacle regarding the important work to be done by the Agricultural and Sanitary Improvement Act of 1920. The poor agricultural people approach Government for the excavation of canals under this Act for bringing their marshy water-logged fallow lands under cultivation. The work is a double blessing to the cultivators as it not only improves their agriculture but also improves their sanitation. Sub-section (*1*) of section 15 of this Act says that an applicant for such a work shall be required before the execution of the work is undertaken, to deposit or to give security for, the cost of the work or a portion thereof, and all proceedings under this Act shall be stayed until such requisition is complied with. It has been found by experience that the Collector generally directs the applicant to deposit a heavy amount under the said sub-section and the applicant fails to deposit such an amount or to give security for such a heavy amount owing to his poverty. I can give concrete instances where the Collector directed applicants to deposit heavy amounts. In one case myself and some other tenants applied for the excavation of a canal in my own village, Borar Char, which is a *khashmahal* under Government. In this case the Collector directed the applicants to deposit Rs. 1,200 in cash as part of the cost, on the 9th July, 1927. In another case in my own district, the Collector directed the applicants to deposit Rs. 2,500 as part of the cost. Both the works have been left unexecuted up to this time. And I can swear in this Council that not a single work has been done in my district under this Act since the passing of the Act, because the said sub-section has become a burden upon the cultivators. As there is a clear provision under section 18 of the Act that after the completion of the work the total cost shall be realised from the applicant and other persons or authorities concerned, it is unnecessary and improper to compel the applicant, who may be moved by considerations of public interest in

making the application, to deposit such money especially as he is bound to pay subsequently a share of the total cost in proportion to the benefited area of his land.

The necessity of this short amendment is very great in view of the fact that its result will be of a far-reaching and beneficial character in bringing under cultivation large areas of marshy water-logged low lands lying fallow for centuries together. In these days of extreme economic crisis it is the paramount duty of Government to give all sorts of facilities in the way of agricultural improvement wherever possible. For this purpose it has become imperative to abolish the sub-section *(1)* of section 15 of this Act. In that case Government will not really incur any loss. Government will be required to undertake and finish the work at their own cost first and then to realise the total cost in due proportion from all the persons or authorities concerned as provided by section 18 of the Act, just as the cadastral survey operations in a district are first finished at Government's own cost and then this cost is realised afterwards from the tenants or other persons concerned. Under these circumstances I hope that the Council will accept the proposed amendment for the welfare of the poor, helpless and dying cultivators of Bengal.

Sir, my Bill is so brief and so simple that I do not think that it should be referred to a Select Committee or be circulated for eliciting public opinion thereon. However, if the sense of the House be to refer the Bill to a Select Committee or to give it for circulation for a more clear and careful consideration of the matter, I am ready to accept this proposal and in that case I request the Hon'ble Minister also to agree to this proposal.

MUNINDRA DEB RAI MAHASAI: I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon before the 31st March, 1931.

The following motion was called but not moved:—

Maulvi SYED JALALUDDIN HASHEMY to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon before the 30th March, 1931.

The motion of Munindra Deb Rai Mahasai was then put and agreed to.

The motion of Maulvi Abdul Hakim that the Bengal Agricultural and Sanitary Improvement (Amendment) Bill, 1931, be taken into consideration therefore failed.

The Bengal Municipal (Amendment) Bill, 1931.

MUNINDRA DEB RAI MAHASAI: I beg to move for leave to introduce a Bill to amend the Bengal Municipal Act, 1884.

The motion was put and agreed to.

The Secretary then read the short title of the Bill.

MUNINDRA DEB RAI MAHASAI: I beg to move that the said Bill be taken into consideration.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon before the 15th May, 1931.

The following motions were called but not moved:—

Maulvi TAMIZUDDIN KHAN to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon before the 30th June, 1931.

Mr. P. N. GUHA to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon before the 31st March, 1931.

The motion of the Hon'ble Mr. Bijoy Prasad Singh Roy was then put and agreed to.

The motion of Munindra Deb Rai Mahasai that the Bengal Municipal (Amendment) Bill, 1931, be taken into consideration therefore failed.

The Bengal Local Self-Government (Amendment) Bill, 1931.

MUNINDRA DEB RAI MAHASAI: I beg to move for leave to introduce a Bill to amend the Bengal Local Self-Government Act of 1885.

The motion was put and agreed to.

The Secretary then read the short title of the Bill.

MUNINDRA DEB RAI MAHASAI: I move that the said Bill be taken into consideration.

Maulvi TAMIZUDDIN KHAN: I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon before the 30th June, 1931.

The following motion was called but not moved:—

Mr. P. N. GUHA to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon before the 31st March, 1931.

The motion of Maulvi Tamizuddin Khan was then put and agreed to.

The motion of Munindra Deb Rai Mahasai that the Bengal Local Self-Government (Amendment) Bill, 1931, be taken into consideration therefore failed.

The Calcutta Municipal (Amendment) Bill, 1931.

MUNINDRA DEB RAI MAHASAI: I beg to move for leave to introduce a Bill to amend the Calcutta Municipal Act, 1923.

The motion was put and agreed to.

The Secretary then read the short title of the Bill.

MUNINDRA DEB RAI MAHASAI: I beg to move that the said Bill be referred to a Select Committee consisting of—

(1) the Hon'ble Minister in charge of the Local Self-Government Department;

(2) Mr. C. W. Gurner, I.C.S.;

(3) Mr. P. Banerji;

(4) Mr. H. S. Suhrawardy;

(5) Babu Jitendralal Bannerjee;

(6) Mr. Syamaprasad Mookerjee; and

(7) the mover,

with instructions to submit their report as soon as possible and the number of members to form a quorum shall be three.

The Hon'ble Mr. BIJOY PRASAD SINGH ROY: I beg to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon before the 15th May, 1931.

The following motions were called but not moved:—

Maulvi TAMIZUDDIN KHAN to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon before the 30th June, 1931.

Mr. P. N. GUHA to move, by way of amendment, that the Bill be circulated for the purpose of eliciting opinion thereon before the 31st March, 1931.

The motion of the Hon'ble Mr. Bijoy Prasad Singh Roy was then put and agreed to.

The motion of Munindra Deb Rai Mahasai therefore failed.

Adjournment.

The Council was then adjourned till 2-30 p.m., on Tuesday, the 17th February, 1931, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Council House, Calcutta, on Tuesday, the 17th February, 1931, at 2-30 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santosh), in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 117 nominated and elected members.

Starred Questions

(to which oral answers were given).

Allowance to the dependants of the deceased constables during Armoury raid at Chittagong.

*82. **Rai Bahadur KAMINI KUMAR DAS:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to lay on the table a statement showing—

(*i*) the names of the constables who were killed during the raid at Chittagong;

(*ii*) the names of their respective children and widows receiving pensions;

(*iii*) the amount of reward given to the children and widows of the deceased; and

(*iv*) the amount of pensions given to each of the children and widows of the deceased?

(*b*) Will the Hon'ble Member be pleased to state whether the Government intend to perpetuate the memory of these deceased constables in a suitable manner?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*a*) (*i*), (*ii*) and (*iv*) A copy of the communiqué, dated the 16th September, 1930, giving full details of the allowances granted to the various dependants of the deceased constables is laid on the table.

(iii) A sum of Rs. 500 was paid to the widow of the deceased constable Prasanna Kumar Barua as the reward of her late husband who was mortally wounded while effecting the arrest of the armed absconder Subodh Choudhury.

(b) No such proposal is under consideration.

Communiqué referred to in the reply to clause (a), (i), (ii) and (iv) of starred question No. 82.

GOVERNMENT OF BENGAL.

POLICE DEPARTMENT.

Nos. 4116-37 Pl.

COMMUNIQUE.

Calcutta, the 16th September, 1930.

The Government of Bengal have been pleased to sanction the following allowances to the families of the three constables, named below, who were killed by the insurgents who attacked the Auxiliary Force and Police Armouries at Chittagong:—

(1) RAMANI MOHAN CHAKRAVARTY.

With effect from the 19th April, 1930:—

(1) For the widow Urmila Devi, aged 23 years, Rs. 10 per mensem for life or until remarriage.

(2) For the father Sarada Charan Chakravarty, aged 70 years, Rs. 4 per mensem for life.

(3) For the mother Kasiswari Devi, aged 50 years, Rs. 4 per mensem for life.

(4) For two daughters Rani and Renu, aged respectively 5 and 3 years, Rs. 2-8 each per mensem till marriage. When the grandfather dies his pension will be distributed in part between the daughters, if they are then alive and unmarried, so as to raise the rate to Rs. 4 for each daughter.

(5) The grant of a lump sum of Rs. 250 to the widow on account of the expenses of the deceased's *sradh* ceremony and Rs. 200 for the marriage dowry for each of the two daughters, the amount being payable when the marriage is actually celebrated.

(2) PRASANNA KUMAR BARUA.

With effect from the 8th May, 1930:—

(1) For the widow Nirupama Barua, aged 20 years, Rs. 10 per mensem for life or until remarriage.

(2) For two minor sons, Budhi Satta Barua and Sukumar Barua, aged respectively 10 and 7 years, Rs. 5 each per mensem till they attain the age of 21 years.

(3) For the daughter Bijan Bala, aged 13 years, Rs. 4 per mensem till her marriage.

(4) Grant of a lump sum to the widow of (*i*) Rs. 300 for the clearance of the deceased's debt, (*ii*) Rs. 200 for the expenses of the deceased's *sradh* ceremony, and (*iii*) Rs. 200 as marriage dowry for the daughter, the amount being payable only when the marriage is actually celebrated.

(3) JORA SINDHU BARUA.

With effect from the 19th April, 1930:—

(1) For the widow Amya Bala Barua, aged 18 years, Rs. 10 per mensem till her death or remarriage.

(2) For the father Nanda Kumar Barua, aged 61 years, Rs. 4 per mensem for life.

(3) For the mother Bama Kumari Barua, aged 51 years, Rs. 4 per mensem for life.

(4) Grant of a lump sum to the widow of Rs. 200 on account of the expenses of the deceased's *sradh* ceremony and Rs. 41 for the payment of his personal debts.

H. S. E. STEVENS,

for Chief Secretary to the Government of Bengal.

Maulvi SYED MAJID BAKSH: (Question was inaudible in the Reporters' gallery.)

The Hon'ble Mr. W. D. R. PRENTICE: I must ask for notice.

Maulvi SYED MAJID BAKSH: How many constables, if any, were killed?

The Hon'ble Mr. W. D. R. PRENTICE: Speaking from memory, I think, two.

Grants to schools managed by the depressed class in Bakarganj.

*83. **Babu LALIT KUMAR BAL:** (*a*) Is the Hon'ble Minister in charge of the Education Department aware that certain high English schools (Kuriana High English School, Malikhali High English School, Agailjhara High English School, Chandkati High English School, Dighirjan High English School) have been started in the Bakarganj district and managed by the depressed class people?

(*b*) Will the Hon'ble Minister be pleased to state whether any grant-in-aid has been sanctioned to these schools?

(*c*) If the answer to (*b*) is in the negative, will the Hon'ble Minister be pleased to state the reason therefor?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Mr. Khwaja Nazimuddin): (*a*) Yes.

(*b*) The following schools have received grants from the Department:—

(1) Chandkati High English School—Rs. 135 per month since 1st March, 1927.

(2) Agailjhara High English School—lump grant of Rs. 300 in 1929-30.

(3) Dighirjan High English School—repair grant of Rs. 500 in 1927-28.

(*c*) No funds have been available for grants beyond those referred to in (*b*).

Khas mahal lands.

*84. **Maulvi MUHAMMAD HOSSAIN:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state—

(*i*) how and to whom the khas mahal lands are settled by Government, and

(*ii*) who are entitled to get them?

(*b*) Is it a fact that the settlement is entirely in the hands of the khas mahal officers?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): (*a*) (*i*) When any khas mahal land is open to settlement applications are generally invited and settlement is made with the deserving members of the cultivating class in the neighbourhood, preference being given to the local khas mahal tenants whose holdings have diluviated. In some cases settlement is also made

with members of the non-cultivating class, who have rendered meritorious service to the State or have undergone agricultural training in some recognised institution and are prepared to do the cultivation work with their own hands. Each case is, however, considered on its own merits.

(*ii*) None.

(*b*) No.

Maulvi SYED MAJID BAKSH: (Inaudible in the Reporters' gallery.)

The Hon'ble Sir PROVASH CHUNDER MITTER: I must ask for notice.

Allowances to the dependants of deceased constables during Armoury raid at Chittagong.

***85. Rai Bahadur KAMINI KUMAR DAS:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state whether it is a fact that pensions of Rs. 2-8 only each a month have been given to the children and widows of the constables who were killed during the raid at Chittagong commencing on the 18th April last and continuing till the fight at Kalarpool?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state whether the Government are considering the desirability of enhancing the rate of the pension to these children and widows in consideration of the noble services rendered by the deceased constables?

The Hon'ble Mr. W. D. R. PRENTICE: (*a*) No. A copy of the communiqué, dated 16th September, 1930, giving full details of the allowances granted to the various dependants of the deceased constables has been placed on the table in answer to another question and may be referred to.

(*b*) Does not arise.

Anti-malarial measures.

***86. Babu SATYENDRA NATH ROY:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to lay a statement on the table showing the nature of the works

carried out *first* by Government directly and *secondly* by local bodies (district boards and municipalities) within the last three official years for the eradication and prevention of malaria in the province?

(*b*) What was the cost of such works?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Mr. Bijoy Prasad Singh Roy): (*a*) and (*b*) It would be impossible to give a comprehensive and detailed statement of the information asked for on so far-reaching a subject as the eradication and prevention of malaria without detailed inquiries from local bodies, the labour of which must be regarded as prohibitive. The summary in the statement laid on the table will, however, I hope, serve to give the member a general view of the activities in question.

Statement of anti-malarial work in the Public Health Department referred to in the reply to starred question No. 86.

Except in the case of a few small experimental schemes Government have not undertaken the carrying out of measures for the eradication and prevention of malaria by their own staff, but have provided local authorities with funds for the purpose under certain conditions, one of which is that the local authorities shall meet a portion of the cost of the work done.

During the three years 1928-29, 1929-30 and 1930-31 the following sums were allotted by Government for work in connection with malaria and kala-azar:—

1928-29—Rs. 4,02,000, of which Rs. 1,40,000 was for kala-azar.

1929-30—Rs. 2,49,900, of which Rs. 50,000 was for kala-azar.

1930-31—Rs. 3,08,000, of which Rs. 98,000 was for kala-azar.

Kala-azar is mentioned because a very large number of malaria cases are treated at the hundreds of kala-azar centres established by district boards and other bodies with the assistance of the kala-azar grant. In each of the three years mentioned Government provided Rs. 1,82,000, Rs. 1,20,000 and Rs. 1,20,000 respectively for quinine and cinchona febrifuge, which was distributed largely on the basis of the actual expenditure on these drugs by district boards from their own funds. Roughly speaking, these local authorities themselves spent about one lakh of rupees from their own funds on quinine.

Again, as regards the special grants for anti-malarial works, district boards were required to distribute the funds to union boards

in such a way as to ensure that a proportion of the cost of the works was raised locally. Thus the Government grant represents a much larger expenditure on anti-malarial work than the figures themselves would indicate if taken alone.

It should be added that the expenditure and the activities summarised above are exclusive of expenditure on rural health units, which are of course concerned with the suppression of malaria among other branches of public health work. The amount of Government grants towards the cost of these units during the current financial year already exceeds Rs. 8½ lakhs. For a general review of their activities reference may be made to the annual reports of the Public Health Department.

Text-books for high English schools.

*87. **Maulvi SYED JALALUDDIN HASHEMY:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table—

(*i*) a copy of the circular letter issued to the authorities of secondary schools in Bengal regarding the text-books prescribed for the use of the high English schools for the year 1931;

(*ii*) a list of the members of the Text-Book Committee for the secondary schools?

(*b*) Is the recommendation of the Text-Book Committee regarding the selection of books final?

(*c*) Is the Hon'ble Minister aware that considerable dissatisfaction has been expressed at the last recommendation of text-books by the Committee as published in the *Calcutta Gazette* of 13th November, 1930?

(*d*) Is it a fact that books of established reputation have been superseded?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (*a*) (*i*) A copy is laid on the table.

(*ii*) A list is laid on the table.

(*b*) and (*c*) No.

(*d*) A number of books on previous approved lists do not find a place on the present list.

Circular referred to in the reply to clause (a) (i) of starred question No. 87.

No. 10786-92 G.

FROM THE DIRECTOR OF PUBLIC INSTRUCTION, BENGAL,
TO THE INSPECTORS AND INSPECTRESSES OF SCHOOLS IN BENGAL.

Calcutta, the 8th December, 1930.

Sir/Madam,

I have the honour to forward herewith/in separate parcels.....copies of this office *notification No. 4 T.B., dated the 23rd October, 1930, containing the list of text-books approved by this Department for use in all Government and Government-aided secondary schools in this Presidency for distribution to the inspecting officers and head-masters of high English schools under your control.

Copies of this notification have been supplied to the head-masters of Government high English schools direct from this office.

I have the honour to be,

SIR,

Your most obedient servant,

J. M. BOTTOMLEY,

for *Director of Public Instruction, Bengal.*

List of members of the Provincial Text-Book Committee referred to in the reply to clause (a) (ii) of starred question No. 87.

I. EX-OFFICIO MEMBERS.

1. The Director of Public Instruction, Bengal, *President.*

2. The Assistant Director of Public Instruction for Muhammadan Education, Bengal, *Secretary.*

3. The Principal, David Hare Training College, Calcutta, *member.*

4. The Principal, Teachers' Training College, Dacca, *member.*

5. The Inspectress of Schools, Presidency and Burdwan Divisions, *member.*

6. The Librarian, Bengal Library, Calcutta, *member.*

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*A copy of the notification is placed on the library table for the information of members.

II.—OFFICIAL MEMBERS.

1. Babu Nilmani Chakravartti, Professor, Presidency College, Calcutta, representative of Sanskrit studies.

2. Mr. A. H. Harley, Principal, Islamia College, Calcutta, representative of Islamic studies.

3. Miss S. Biswas, Head Mistress, Dr. Khastagir's High School for Girls, Chittagong, woman graduate teacher.

4. Dr. N. Gupta, Superintendent, Normal School, Rangpur, representative of Normal schools.

5. Babu Rajendra Chandra Ghose, Second Inspector of Schools, Dacca Division, representing inspection.

6. Babu Paresh Chandra Mukherjee, District Inspector of Schools, Calcutta, representing inspection.

7. Mr. A. N. Sen, Inspector of Technical and Industrial Institutions, Bengal, representing inspection.

8. Khan Bahadur Maulvi Alfazuddin Ahmed, Inspector of Schools, Rajshahi Division, representing inspection.

9. Mr. P. C. Mahalanabis, Professor, Presidency College, Calcutta, representing teaching.

10. Mr. Badiur Rahman, Head Master, Dacca Collegiate School, representing teaching.

11. Mr. J. M. Sen, Second Inspector of Schools, Presidency Division, representing primary education.

12. Khan Bahadur Maulvi Md. Maula Baksh, Inspector of Schools, Dacca Division, representing primary education.

III.—NON-OFFICIAL MEMBERS.

1. Maulvi Muhammad Ishaque, Lecturer, Calcutta University, representing teaching.

2. Babu Kali Krishna Goswami, Professor, Jagannath Intermediate College, Dacca, representing teaching.

3. Rev. C. S. Milford, officiating Principal, St. Paul's College, Calcutta, representing teaching.

4. Babu Ramesh Chandra Chakravertti, Head Master, Malkhanagar High School (Dacca), representing teaching.

5. Mr. Kalipada Sarkar, retired Inspector of Schools, representing primary education.

6. Maulvi Syed Abdul Jabbar, Secretary, Anjuman Islamia, Comilla, representing primary education.

7. Rev. W. E. French, Secretary, Shiksha Sangha, Bishnupur (24-Parganas), representative of Missionary Societies.

8. Rev. H. D. Northfield, Baptist Mission, Dacca, representative of Missionary Societies.

9. Babu Radha Govinda Nath, Vice-Principal, Comilla Victoria College, representing special interest.

10. Babu Jyotish Chandra Mandal, Professor, St. Paul's College, Calcutta, representing special interest.

11. Mr. N. C. Das Gupta, Head Master, Durgapur High School (Chittagong), representing special interest.

12. Babu Mani Mohan Ghose, Secretary, Central Co-operative Bank, Ltd., Rampurhat, representing special interest.

13. Babu Gopal Chandra Sarkar, retired Second Inspector of Schools, unofficial educationist.

14. Mr. Ebrahim Khan, Principal, Saadat College, Karatia, (Mymensingh), unofficial educationist.

15. Khan Bahadur Azizul Haque, M.L.C., pleader, Krishnagar unofficial educationist.

16. Mr. P. C. Banerjee, Professor, St. Xavier's College, Calcutta, unofficial educationist.

17. Mr. Syama Prasad Mookherjee, M.L.C., Bar.-at-Law, representative, Calcutta University.

18. Dr. R. C. Mazumdar, representative, Dacca University.

Mr. SYAMAPROSAD MOOKERJEE: Will the Hon'ble Minister be pleased to state since when the Inspectresses of Schools have become the authority for secondary schools in Bengal?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: There is no reason to believe that they are considered the authority for secondary schools in Bengal.

Mr. SYAMAPROSAD MOOKERJEE: The answer to clause (i) which refers to a circular letter issued show the authorities of secondary schools in Bengal.

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I have already answered that question.

Mr. SYAMAPROSAD MOOKERJEE: Is this the only circular which has been issued for secondary schools in Bengal?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I must ask for notice.

Mr. SYAMAPROSAD MOOKERJEE: Is the Hon'ble Minister aware that this circular refers only to Government and Government aided secondary schools, but the proposed rules are sought to be applied to non-Government schools as well?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I must ask for notice.

Mr. SYAMAPROSAD MOOKERJEE: On a point of order, Sir. The answer given by the Hon'ble Minister is that he must ask for notice. The questions have been asked, and he asks for notice.

The Hon'ble Mr. KHWAJA NAZIMUDDIN: I have already answered these questions.

Babu JITENDRALAL BANNERJEE: Will the Hon'ble Minister be pleased to explain, why, in regard to the third part of the list, non-official members, what he means by "representing special interest" in items 9, 10, 11 and 12?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: This is under the rules framed by Government.

Babu JITENDRALAL BANNERJEE: Will the Hon'ble Minister be pleased to explain, in regard to items 13, 14, 15 and 16, what he means by "unofficial educationist"?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: Those who are not at present attached to any school.

Maulvi ABDUL KARIM: With regard to question (c) will the Hon'ble Minister be pleased to state whether it is a fact that certain text-books have been superseded? These books have been on the list for a quarter of century, how is it that they have now been superseded and do not find a place on the list?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: Because of the fact that they have been on the list so long; the Committee did not take the trouble to revise their list according to the circular issued previously ——(inaudible in the Reporters' gallery).

Certificate cases for arrears of rent due to Kasimbazar Estate in Rangpur.

*88. **Kazi EMDADUL HOQUE:** (*a*) Is the Hon'ble Member in charge of the Revenue Department aware that certificate procedure has been introduced for realisation of rent in arrear in the Baharband pargana under the Kasimbazar Raj Wards estate in the district of Rangpur where no record of rights has yet been prepared?

(*b*) Is the Hon'ble Member aware that objections filed by the tenants in these certificate cases often involve questions of diluvion and dispossession for the determination of which local investigation by a competent officer, such as Civil Court Commissioner or Pleader Commissioner, is desirable?

(*c*) Is it a fact that the certificate officer at Rangpur summarily rejects the objections of the tenants regarding diluvion and dispossession without investigation by a competent officer?

(*d*) Are the Government contemplating taking steps to put a stop to the filing of certificate cases for areas where questions of diluvion and dispossession are involved?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) Yes.

(*b*), (*c*) and (*d*) No.

Unstarred Questions

(answers to which were laid on the table).

Détenus in Bengal.

51. **Babu KHETTER MOHAN RAY:** Will the Hon'ble Member in charge of the Political Department be pleased to lay on the table a statement showing—

(*i*) the present number of persons in Bengal arrested and detained under Regulation III of 1818 and the Bengal Criminal Law Amendment Act, 1930; and

(*ii*) the names of such persons together with dates of their arrests and addresses?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): (*i*) Under Regulation III—Nil. Under Bengal Criminal Law Amendment Act—414.

(*ii*) Government are not prepared to lay this statement on the table.

Service of notice on landlords when holdings are transferred.

52. **Babu SATYENDRA KUMAR DAS:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether it is in the contemplation of Government—

(*i*) to introduce the system of serving notice upon landlords through union boards and union committees and where there are no such agencies, through process serving peons instead of by post; and

(*ii*) to modify rule 27 (*i*) of the Revised Statutory Rules, Chapter IVA, to avoid financial loss to Government in the shape of postage, etc.?

(*b*) Is the Hon'ble Member aware that co-sharer landlords are in many cases deprived of their share of transfer fees in cases of transfer of land under the Bengal Tenancy (Amendment) Act, 1928, for the reason that the names of all co-sharer landlords are not mentioned?

(*c*) Is the Hon'ble Member aware that under the present rule the registering officers cannot compel the presentant of any document under section 26-C, etc., of the Bengal Tenancy Act, 1885, to produce the latest rent receipt and *khatian* for verification?

(*d*) Are the Government considering the desirability of empowering the registering officers to demand the rent receipt and *khatian* for verification of the names of co-sharer landlords and of providing that the document should not be accepted for registration where such receipt and *khatian* are not produced?

The Hon'ble Sir PROVASH CHUNDER MITTER: (*a*) (*i*) and (*ii*) The existing instructions are contained in rule 27 of the Revised Statutory Rules and no modification is at present contemplated.

(*b*) No.

(*c*) Yes.

(*d*) No.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Member be pleased to state whether any petition has been received from any landholder in the province on the subject of transfer fees under the Bengal Tenancy Act, 1928?

The Hon'ble Sir PROVASH CHUNDER MITTER: Not within the last few days. I have already stated that any definite helpful suggestions in this direction will be welcomed by Government, and be taken notice of.

Grand Trunk Road.

53. Dr. AMULYA RATAN GHOSE: (*a*) Will the Hon'ble Minister in charge of the Public Works Department be pleased to state what has been done to improve the condition of the Grand Trunk Road?

(*b*) Is the Hon'ble Member aware that all the main roads of the Howrah Municipality have been improved with tar?

(*c*) Will the Hon'ble Member be pleased to state why the Grand Trunk Road has not yet been improved with tar?

(*d*) Are the Government considering the desirability of improving the condition of this important road of Bengal?

MINISTER in charge of PUBLIC WORKS DEPARTMENT (the Hon'ble Khan Bahadur K. G. M. Faroqui): (*a*) Estimates have been sanctioned for improving portions of the Grand Trunk Road in Howrah, between Bally Bridge and Chandernagore, between miles 120 and 124, and between Asansol and Barakar, and work has been started in these sections and will be continued next year. In addition a considerable length of the road has been painted.

(*b*) Many of the main municipal roads in Howrah have been treated with tar.

(*c*) Until recently funds for such work could not be provided.

(*d*) Improvements are being carried out as stated in reply to (*a*).

Ahsanullah School of Engineering, Dacca.

54. Rai Sahib REBATI MOHAN SARKER: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state the date when the Government decided to keep the workshop staff of mistries of the Ahsanullah School of Engineering, Dacca, on a temporary basis?

(*b*) Is there any Government notification to that effect?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Minister be pleased to lay on the table a copy of the same?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (*a*) 1917.

(*b*) No.

(*c*) The question does not arise.

Ministerial officers of the offices of the Inspectresses and District Inspectors of Schools.

55. Rai Bahadur KESHAB CHANDRA BANERJI: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state why the scheme for the revision of the pay and prospects of the ministerial officers employed in the offices of the Inspectresses of Schools and the District Inspectors of Schools which received administrative sanction of Government in 1928 is not yet being given effect to?

(*b*) Will the Hon'ble Minister be pleased to lay on the table a statement showing the increased financial charge which the said scheme will involve?

(*c*) Is it a fact—

(*i*) that ministerial officers employed in the offices of the Inspectresses and Inspectors of Schools had the same scale of pay in the Lower Subordinate Educational Service before 1921;

(*ii*) that in 1921 a distinction was made between the ministerial officers employed in the offices of the Inspectresses of Schools and those employed in the offices of the Divisional Inspectors of Schools and a disparity in scales of pay was introduced;

(*iii*) that administrative sanction was given to the revised scheme already referred to in order to remove such a disparity; and

(*iv*) that the ministerial officers who received the benefit of reorganisation in 1923 must be ahead of those who are likely to come under the operation of the new scheme by about nine years?

(*d*) Will the Hon'ble Minister be pleased to state—

(*i*) what measures Government are going to adopt in order to make up for the difference which has originated owing to schemes having been sanctioned in two different years with such a long interval between them:

(*ii*) whether it is in the contemplation of Government to sanction such salaries for the ministerial officers coming under the operation of the new scheme as are at present enjoyed by their brother officers in the old Subordinate Educational Service under the scheme given effect to in 1921; and

(*iii*) what measures were adopted at the time of the reorganisation made in 1921 to safeguard the interests of the ministerial officers who were at the top of the classes IV and V of the old Subordinate Educational Service and who under the old conditions could have aspired to get the maximum salary of Rs. 250?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (*a*) The scheme could not be given effect to as it has not yet been possible for Government to provide funds for it.

(*b*) A statement showing the increased financial charge involved in the scheme is laid on the table.

(*c*) (*i*) It is not a fact that *all* clerks employed in the offices of the Inspectresses of Schools as well as in those of the Inspectors of Schools had the same scale of pay in the Lower Subordinate Educational Service but those belonging to the same class of that service employed in either offices had the same scale of pay.

(*ii*) Yes.

(*iii*) The reply is in the affirmative so far as the pay of the junior clerks employed in the offices of the Inspectors and Inspectresses was concerned; but the same rates were not proposed in cases of Head Clerks in the offices of the Inspectresses of Schools nor was the scale of pay of the Second Clerks in the offices of the Inspectors of Schools proposed for any clerks in the offices of the Inspectresses of Schools.

(*iv*) The number of years by which the ministerial officers in question who received the benefit of reorganisation in 1923 will be ahead of those who are likely to come under the operation of the new scheme depends on the date from which the scheme is given effect to.

(*d*) (*i*) No such proposal is under consideration.

(*ii*) No.

(*iii*) The pay of each post was fixed in accordance with the degree of responsibility attaching to each on the facts available at the time of the reorganisation made in 1921. It is not a fact that all the officers who were at the top of classes IV and V of the old Subordinate Educational Service could aspire to get the maximum salary of Rs. 250.

Statement showing increased financial charge referred to in the answer to clause (b) of unstarred question No. 55.

		Additional average cost per annum.
		Rs.
1.	For clerks employed in offices of District Inspectors of Schools	2,755
2.	For clerks employed in offices of Inspectresses of Schools ..	1,264
3.	For clerks employed in offices of Assistant Inspectresses of Schools	1,140
	Total ..	5,159

Libraries.

56. MUNINDRA DEB RAI MAHASAI: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to lay on the table a statement showing—

(*i*) the number of—

(*1*) books,

(*2*) periodicals, and

(*3*) pamphlets

received by the Librarian, Bengal Library, during the last six years; and

(*ii*) the manner of their disposal?

(*b*) Are the Government considering the desirability of making a free gift of a copy of the catalogue of books received in the Bengal Library to each of the leading Libraries of the province regularly?

(*c*) Are the Government considering the desirability of making provision to retain at least one copy of each book published within the province at the Imperial Library, Calcutta, for public use?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: (*a*) A statement is laid on the table.

(*b*) No.

(*c*) No.

Statement referred to in the reply to clause (a) of unstarred question No. 56.

(*i*)—

Year.			Books.	Periodicals.
1925	..	..	3,258	1,365
1926	..	..	3,330	1,253
1927	..	..	3,425	1,297
1928	..	..	3,287	1,364
1929	..	..	3,407	1,533
1930	..	..	3,903	1,421

Pamphlets are not classified separately. They are included among books.

(ii) The Imperial Library, Calcutta, has the first choice of the books received in the Bengal Library. The surplus stock is distributed to the Bangiya Sahitya Parishad Library and such other public or school libraries as apply for it. Books considered to be of no worth are destroyed. The following statement shows the number of books and periodicals taken by the Imperial Library:—

Year.			Books.	Periodicals.
1925	..	..	1,347	979
1926	..	..	1,596	852
1927	..	..	1,759	997
1928	..	..	278	664
1929	..	..	339	194

Books and periodicals received during the year 1930 have not yet been disposed of.

MUNINDRA DEB RAI MAHASAI: With regard to (b) will the Hon'ble Minister be pleased to state whether any offer has been received from the Imperial Library?

The Hon'ble Mr. KHWAJA NAZIMUDDIN: So far as this is concerned, we have received no such application from the Library. As regards (b) we offer our books also to the Imperial Library in Calcutta, and they take whatever they can or like.

Appointment of Namasudra sub-registrars.

57. Rai Sahib AKSHOY KUMAR SEN: (a) Will the Hon'ble Minister in charge of the Education (Registration) Department be pleased to lay on the table a statement showing district by district for the years 1927, 1928, 1929 and 1930—

(i) how many sub-registrars were appointed from the residents of the Dacca, Chittagong, Rajshahi, Burdwan and Presidency Divisions; and

(ii) how many of them belong to the members of the Namasudra community?

(b) Are the Government considering the desirability of appointing more Namasudra sub-registrars than in previous years?

MINISTER in charge of EDUCATION (REGISTRATION) DEPARTMENT (the Hon'ble Mr. Khwaja Nazimuddin): (a) (i) and (ii) A statement is laid on the table.

(b) The claims of the Namasudra community are always considered by Government.

Statement referred to in the reply to clause (a) of unstarred question No. 57.

	1927	1928	1929	1930
BURDWAN DIVISION.				
Burdwan	..	..	1	..
Birbhum	..	..	..	..
Bankura	..	..	1	1
Midnapore	2	1	..	..
Hooghly	2	..	..	1
PRESIDENCY DIVISION.				
24-Parganas	..	..	2	..
Calcutta	1	..	..	1
Nadia	1	..	1	1
Murshidabad	1	1	1	1
Jessore	2	1	2	..
Khulna	..	..	1	..
DACCA DIVISION.				
Dacca	3	2	6	1
Mymensingh	1	..	4	..
Faridpur	2	..	..	1*
Bakarganj	..	2	1	..
CHITTAGONG DIVISION.				
Chittagong	1	1	2	1
Noakhali	1	..	..	..
Tippera	1	1	2†	..
RAJSHAHI DIVISION.				
Rajshahi	..	..	2	..
Dinajpur	..	1	..	1
Jalpaiguri	..	..	..	..
Rangpur	1	1	1	..
Bogra	..	1	..	1
Pabna	1	..	..	..
Malda	1	..	..	..
Total of Divisions ..	21	12	27	10

* He is a Namasudra.

† One of these is a Namasudra.

Point of order.

Babu JITENDRALAL BANNERJEE: On a point of order, Sir, may I have your permission to ask a question about the circular which has been issued to-day under your authority?

Mr. PRESIDENT: What is your point of order?

Babu JITENDRALAL BANNERJEE: I rise on a point of order because I cannot address you, Sir, without asking your permission.

Mr. PRESIDENT: You should not take advantage of such tactics. If you will come to my Chamber I shall be very glad to discuss the matter with you.

RESOLUTIONS

(on matters of general public interest).

Opening of a khal from Bhora Sangu to Peskerhat via Katakhali khal.

Haji BADI AHMED CHOWDHURY moved that this Council recommends to the Government that a khal be opened from Bhora Sangu to Peskerhat *via* Katakhali khal, for the purpose of discharging water from water-logged parts of Anwara thana in the Chittagong district.

He spoke in Urdu in support of his resolution; the English translation of which is as follows:—

"Sir, with due submission I beg to bring to your kind notice that the district of Chittagong, being situated in the remotest corner of the province, can scarcely draw the sympathetic attention of our benign Government regarding its grievances and wants, that veritably stand in the way of prosperity of its inhabitants. Consequently it has become the home of poverty and pestilence such as malaria, epidemics and constant floods resulting in the premature and untimely death of a large number of the population and leaving the rest under the crushing and cruel hands of poverty. Apart from living efficiently with equal standard of comfort and ease, the poor inhabitants can hardly manage to get two meals in a day.

It is decidedly an admitted fact that the main root of all evils is ascribed to the want of a canal running from 'Bharashanka to Peshkerhat.' This proposed canal is the only means to protect the southern part of the district from all kinds of disasters, [illegible] and

occasional floods enabling the inhabitants to transact their business ten times fairly well by doing away with all disadvantages arising from distance and passing of water freely. Besides, they will benefit by starting new business and trades and this canal will carry the people to a distance that involves an arduous and troublesome journey of ten hours, within the shortest possible time of three hours only. It will be a tremendous achievement of the people if they are so fortunate to utilise the gifts of nature conferred on their soil.

This noble and the most beneficial project of opening the said canal was brought to the notice of the district board of Chittagong but with deep sorrow I should rather say that the shortage of funds of the board of a poor district like it could not meet the earnest and pressing needs of the inhabitants. After all kinds of possible inquiry, it estimated the cost of Rs. 25,000 for a project. But only the pecuniary distress hindered their attempt.

The then Collector Mr. Clayton was kind enough to approve the proposal in consideration of the needs of the people in general but his transfer to Dacca as a Commissioner has left the matter in an abeyance.

The present District Magistrate having taken the initiative for the purpose, has formed an exhaustive scheme and plan for the same. I put forward a resolution before the House on the 11th February, 1930. The Hon'ble Member-in-charge, Irrigation Department, having expressed his desire to have further inquiry into the matter I withdrew the proposal. Perhaps the report indicating the truth about the aforesaid matter has reached the Hon'ble Member.

Notwithstanding that the people of the southern constituency have been greatly benefited the Government will thereby achieve a new source of income accruing from the toll stations established for the purpose of the new canal.

With this short and brief sketch of the most important matter like this I make this humble appeal to the House, 'this Council recommends to the Government that a khal be opened from Bhora Sangu to Peskerhat *via* Katakhali khal, for the purpose of discharging water from water-logged parts of Anwara thana in the Chittagong district.'

On the 17th January of this year Mr. Abdul Momin, Divisional Commissioner, while he was on tour in the mufassal through Anwara personally witnessed the situation of the said canal. On this occasion some ten thousand inhabitants of Banskhali police-station met him in a meeting. In that meeting an address was presented narrating in detail the want and the necessity of the canal. In his reply the Commissioner expressed the utter utility of that canal. His opinion was published in the local *Suniti Patrika* on the 23rd of January last.

On August last in Resolution No. 23, I raised the proposal in the Council for the second time. Seven complete years have elapsed since 1925 and yet during these pretty long years the Government did not find time and opportunity to cast its eyes to that furthermost corner of this province. So I feel it my bounden duty to raise that question once more before the House and I feel sure that the House will appreciate the great necessity of the proposed canal for which I am so keenly fighting.

The Government are spending lakhs of rupees to maintain the Burdwan Damodar canal and is wasting away a good deal of public money in purchasing dredgers. And yet these machines are of no avail to the public. Crores of rupees have been wasted in Calcutta, Burdwan and the 24-Parganas for irrigation works, but the greater necessity of making suitable irrigation works in greater part in Eastern Bengal and the Sundarbans where it is urgently necessary to change the water course of many a small khal or canal, which will contribute a good deal to the expansion of transport facilities and development of West Bengal seems to be of no importance.

We cannot blind ourselves for a moment to the fact that it is their money in the distribution of which we are taking so much pains. Budgets are prepared every year in total disregard of the sound basis and principles of distribution. We shall stand guilty and sinful in the eyes of God and humanity if we go on spending their money in causes other than their own. Big buildings, big canals, big bridges and what not, are every day adding to the much advertised civilised districts and cities and as a consequence the rich are getting richer, the poor poorer. I know, Sir, that this state of things is not the defects of this or that department of Government, but this is the natural outcome and consequence of our present political structure. May be, these heavy grievances were not adequately represented and the Irrigation Department did not cast its favourable eyes to the question for so long. So I take this early opportunity to put forth these grievances once more before the House. I appeal to your good sense most fervently and earnestly to consider the resolution in the light of humanity and furthermore I know that if this resolution is carried and put into effect, the Council will get the untold gratitude and sympathy of the poor masses of so many villages in the district of Chittagong.

I know the Hon'ble Member in charge of the Irrigation Department is a fine gentleman and I hope he will try to put forth his great personality and good sense to further this cause.

I thank you, Sir, and the hon'ble members for your valuable time and patience. I hope I will be excused for these necessary troubles but I feel it my bounden duty in the interest of the thousands of people to represent these matters before you."

MEMBER in charge of IRRIGATION DEPARTMENT (the Hon'ble Alhaj Sir Abdelkerim Ghuznavi): A similar resolution was moved by the same member in the February session in 1930 and I informed him that the wisdom of the scheme was doubtful and that Government were not in a position to undertake minor schemes of this nature which are properly dealt with under the Agriculture and Sanitary Improvement Act, and if the local people wanted it, it was for them to move the Collector. The resolution was then withdrawn. I said that I would have further inquiries made on the subject.

The Collector of Chittagong has now reported that while the scheme would undoubtedly be beneficial to the people of the locality, the excavation of the proposed khal would silt up the Murali and Chandkhali khals, and the inconvenience of one place would merely be transferred to another. According to the District Engineer's statement the local bodies were not willing to contribute, but the Circle Officer reported that they would be prepared to bear one-third of the cost.

It is true that the excavation of the khal from Bhora Sangu to Peshkerhat would relieve the water-logging of a part of Anwara thana of Chittagong district and improve the health and agricultural conditions of the locality, and that it will also shorten the boat route to Chittagong, but the District Engineer was of opinion that the opening of the khal will cause the Chandkhali and Murali khals, which form the line of communication with Satkhania thana, to silt up. The benefit of one area will thus be more than counterbalanced by the disadvantages caused to other areas. The Chief Engineer has, however, been asked to further investigate the matter with a view to ascertain whether the scheme would be feasible and what the cost will be.

In these circumstances I hope the member will withdraw his resolution.

The motion of Haji Badi Ahmed Chowdhury was, then by leave of the Council, withdrawn.

Canalisation of the Dolai khal at Dacca.

Babu SATYENDRA KUMAR DAS: Sir, I beg to move that this Council recommends to the Government that early steps be taken for the canalisation of the Dolai khal at Dacca and that the necessary funds be provided in the next year's budget for the purpose.

Sir, the subject matter of the resolution is a very old one. It has been hanging fire for more than fifteen years now. Under orders contained in the letter, dated the 31st October, 1917, from the Chief Engineer, Bengal, to the Superintending Engineer, Eastern Circle,

Rai Sailendra Nath Bannerjee Bahadur was deputed to carry out an investigation into the drainage conditions of the area lying between the Dhaleswari and the Padma rivers. The object of the investigation was to consider whether it was feasible, and in what way, to improve the sanitation of the areas between these rivers and to improve navigation facilities in the Dhaleswari, Buriganga and the numerous khals. The canalisation of the Dolai khal was also within the scope of the said investigation. Rai Sailendra Nath Bannerjee Bahadur after a protracted and comprehensive survey of the river conditions in this district submitted his final report in 1921. The Dolai khal canalisation scheme has since undergone several changes.

A short history of the khal will perhaps be of interest. This khal takes off from the city of Dacca along the mouths at Babubazar and Mill Barracks and after traversing a course of nearly seven miles falls into the river Sital-Lakshya *via* Trimohini khal and the Balu river. It passes through the heart of the city of Dacca, the sanitation of which depends to a large extent on this khal. The canal is at present no better than an elongated cess-pool receiving filth and affluents from hundreds of unserviceable privies and drains. Its canalisation is necessary not only for the improvement of sanitation of the city but also for facilities of inland trade and navigation. It is a matter for regret that this very important project has been treated by Government with scant consideration. My esteemed friends the Hon'ble Mr. Nazimuddin and Rai Keshab Chandra Banerji Bahadur did a good deal for the furtherance of the scheme in their capacities as Chairman and Vice-Chairman, respectively, of the Municipality of Dacca. Perhaps they will bear me out when I say that on account of the indifference of Government and the delay in taking up its canalisation, the sufferings of the people of Dacca are gradually on the increase. The residents of the city of Dacca who are primarily interested in this scheme brought it to the notice of Government times without number. Deputations waited on the successive Governors of the province and in the addresses of welcome presented to them pointed mention was made to it along with other schemes of improvement but to no effect. The deputation that waited on His Excellency the Governor in March, 1925, placed in very clear terms the views of the representative associations and local bodies at Dacca on the 13th May, 1925, he assured them that the matter was being considered by Government. The agitation in favour of this scheme was kept up by the passing of resolutions from time to time by the public bodies and associations of Dacca.

In compliance with the request of Government the municipality submitted a statement showing the amount of toll collected by the municipality from 1916 to 15th September, 1927, amounting to Rs. 55,000. In a letter, dated the 29th October, 1927, Rai S. N. Bannerjee Bahadur forwarded a draft of certain resolutions which the

Irrigation Department wanted the Municipal Commissioners to discuss. These resolutions contained certain conditions which Government sought to impose upon the municipality. On the 27th October, 1927, the Municipal Commissioners considered the draft resolutions and adopted them with slight modifications. To expedite matters the Municipal Engineer was subsequently sent to Calcutta to interview the authorities of the Irrigation Department and explain to them the municipal requirements with special reference to the proposals made by Rai Bahadur S. N. Bannerjee but we are quite in the dark as to the fruition of the scheme. The figures compiled on inquiry show that the scheme will be a paying proposition. The volume of traffic over the Dolai khal was estimated at 120 lakhs of maunds a year on the basis of an annual income of about Rs. 5,000 from the collection of toll. I hope the House will realise that my demand is not an extravagant one. If the scheme were given effect to, the estimated cost of it could be recouped from the revenue derived from the toll of the khal which is now about Rs. 5,000 per annum. Government are only to advance the capital cost of the scheme which would be recovered from the increased income from toll as soon as the canalisation is completed.

I may mention in this connection that the present condition of the Dolai khal is responsible in a large measure for the occasional outbreaks of epidemic diseases which take a heavy toll of the lives of the poor citizens from time to time. The Irrigation Department spends every year large sums of money for the improvement of rivers and other waterways of Western Bengal but little attention is paid to the river conditions of Eastern Bengal. Sir, I appeal to the members who represent the West Bengal districts in this House to take a sympathetic view of the question and support my resolution.

The improvement of the khal is not only desirable from the sanitary and popular stand points but from the Government point of view as well. It will open up an area which remains inaccessible by boat for more than eight months in the year. Besides facilitating trade the khal will link up the Sital-Lakshya with the Buriganga thereby providing facilities for the speedy transport of police force by launch from the headquarters station of the district to the northern part of the Narainganj subdivision which may become necessary in these troublous times if emergency arises. It is also to be noted that if the Dolai khal is made navigable throughout the year, large volumes of water coming from the Lakshya river will check the rapid deterioration of the Buriganga. If, however, Government are unable to take up the whole scheme immediately, then I would urge upon them to undertake the scheme partially so far as it relates to the city of Dacca.

I may further add in this connection that the members of the Irrigation Committee visited Dacca winter before last and inspected the Dolai khal. The importance of the canalisation of the khal was brought

hope to them and they were also convinced of its necessity. The delay in taking up the scheme will result in an increase of the estimate as the value of land to be acquired is going up steadily.

I think I have been able to impress upon this House the extreme urgency of the scheme and I hope I will have a sympathetic reply from the Hon'ble Member in charge of the Irrigation Department.

With these words, I commend the resolution to the acceptance of the House.

3 p.m.

Rai Bahadur KESHAB CHANDRA BANERJI: Sir, as one interested in the canalisation of the Dolai khal, I desire to say only a few words in support of the resolution moved by my friend Mr. Das. This resolution was tabled in the August session of the Council but as our common friend, the ballot box, was rather unkind to Mr. Das, he did not get an opportunity to move it. I do not wish to go into the details of the scheme as they are well-known to Government. What I want is a definite assurance from the Hon'ble Member in charge of the department concerned that the scheme will be taken up without further delay. I may say in this connection, Sir, that the scheme has a chequered history behind it. The report submitted by Rai Bahadur Sailendra Nath Bannerjee fourteen years ago was subjected to close examination and revision from time to time by the Chief Engineer, Irrigation Department. Whenever the public and the municipality of Dacca pressed for it, the *mamuli* answer was invariably received that the matter was "still under the consideration of Government." It was only a couple of years ago that the same answer was given to a reference made by the municipality. I hope the Hon'ble Mr. Nasimuddin, who dealt with the question as Chairman of the Municipality and who happily adorns the ministerial chair to-day, will bear me out that the people of Dacca are tired of crying themselves hoarse over this question and it is high time that Government gave a definite indication of their attitude towards the project. Mr. Addams Williams had been to Dacca on many a previous occasion in connection with the representations made by the Dacca public to expedite the completion of the scheme and also in connection with the visit of the Irrigation Committee in January, 1930, but nothing has practically come out of these visits. It reminds me of Cowper's famous words "Dupe of to-morrow even from a child." We are not prepared to remain in suspense any longer. I pause for a reply. I know that the same old argument, *viz.*, "financial stringency" will be advanced on this occasion also but are the Government in a position to say when their financial condition will improve? The present year may be an exception so far as the finances of Government are concerned but there is absolutely no excuse for relegating the scheme to the musty archives of the Bengal

Secretariat all these years. We have great faith in the Hon'ble Mr. Ghuznavi, the present Member in charge of the Irrigation Department, whose solicitude for the good of the people is well-known and whose desire for public benefit has manifested itself in various ways in connection with the administration of his department. I, therefore, hope that in view of the urgency of the question and having regard to the fact that it is closely connected with the sanitation and the inland trade of Dacca, our cry will not be one in the wilderness.

With these words, I support the resolution.

The Hon'ble Sir ABDELKERIM GHUZNAVI: The resolution that has been moved has my sympathy and I may at once tell the member who has moved this resolution as well as Rai Bahadur Keshab Chandra Banerji who has supported him that their request will no longer be a cry in the wilderness. It is perfectly true that this scheme was examined in the past but during the last two years I can assure them my department has taken considerable pains over it, with the result that the proposal for canalisation of the Dolai khal has been administratively approved at an estimated cost of Rs. 13,44,259, so that I think my friend the mover as well as the Rai Bahadur will admit that a great deal has recently been done in this matter. We have now come to a stage which requires the inevitable provision of funds. The Rai Bahadur has already admitted that we are short of funds and it is obvious that Government cannot agree to accept the resolution because the terms of the resolution are that the necessary funds should be provided in the next year's budget. It is evidently impossible. I would therefore advise, if I may, the mover to withdraw the motion, for even if it be accepted, it will not be possible to give effect to it.

Babu SATYENDRA KUMAR DAS: In view of the assurance given by the Hon'ble Member I beg leave to withdraw my motion.

The resolution was then, by leave of the Council, withdrawn.

Classification of political prisoners in jails.

Maulvi SYED JALALUDDIN HASHEMY: I beg to move that this Council recommends to the Government that all political prisoners placed in division III should be at once ranked at least as division II prisoners.

While I speak in this chamber I find myself always confronted with a twofold difficulty. Firstly, I am forced to speak in a language in which I am not proficient. When I stammer in the English language it excites my own laughter not to speak of the condition of members on the other side. Secondly, members on the other side, particularly the

Hon'ble Members on the Treasury Benches, are already prejudiced against me regarding any question about jails, the reasons for which I cannot explain. My proposition is very simple for it will lead to peace. What I say in this connection I say from my personal experience and if nobody believes it at least Mr. Hutchings will bear me out that I have got the experience—the bitter experience—of third class prisoners regarding their diet and clothing. I have been in the Alipore Central Jail as a third class prisoner, and every morning I had the opportunity of talking with Mr. Hutchings who was then the Superintendent of the Jail. What I want is this: I want for the gentlemen and sons of gentlemen who are now in jail a little bit of more facilities regarding food and clothing. They have gone to jail not for any offence involving moral turpitude or for any offence for committing violence but they have gone there for holding certain political opinions, for a certain code of principles, to liberate their own country.

Firstly, I will begin with the clothings supplied to the third class prisoners and I admire the gentleman or gentlemen who have devised this design, the like of which I am sure cannot be found anywhere on the face of the earth. They are generally supplied with one *jangiya* which can hardly cover the shame of a prisoner; the cap that is supplied to them is of a peculiar nature and the *korta* that is supplied to them does not generally exceed 1¼ cubic in length. They are supplied with one *gamcha* two cubits in length and two blankets, the like of which cannot be found in any market in Calcutta or in any market in India.

Mr. R. H. HUTCHINGS: I may say that the member is misinformed. The prisoners are supplied two *gamchas* and not one.

Maulvi SYED JALALUDDIN HASHEMY: Possibly it is supplied now, but I accept the statement of Mr. Hutchings. But I always got one *gamcha*. Will any gentleman deny that the gentlemen who are now in jail for political opinion do not use a pillow at their respective houses? Will Mr. Hutchings tell me that third class prisoners get any pillow or any bed sheet or a bit of mustard oil for toilette? As soon as a gentleman goes to jail his hair is cropped in a manner which I cannot describe. He looks like a peculiarly bald-headed man.

Mr. R. H. HUTCHINGS: Do I understand the member to say that his ear is cut?

Maulvi SYED JALALUDDIN HASHEMY: No. I said hair.

Mr. R. H. HUTCHINGS: Oh, I beg your pardon.

Maulvi SYED JALALUDDIN HASHEMY: I can say and I can challenge the Hon'ble Member to assert that, if any gentleman who goes to jail to-day and is ranked in division III to-morrow and if anybody visits him in the jail, he will not be able to recognise him from his appearance. His whole appearance is changed. That this is the general condition in the jail, Mr. J. L. Bannerjee will bear me out.

3-15 p.m.

Now let us come to the diet question. Twelve pice is allotted per head per diem for that purpose for "C" division prisoners. I will not say anything about the shares which are generally taken by officers of the jail beginning from jailors down to warders.

Mr. R. H. HUTCHINGS: On a point of order, Sir. Is the hon'ble member entitled to make allegations against Government servants in the jails?

Maulvi SYED JALALUDDIN HASHEMY: I say these officers generally share in the diet allowance. I make bold to say that this thing obtains in almost all the jails in Bengal. And I emphatically say that a Bengali middle-class gentleman—be he a Hindu or be he a Mussalman—cannot eat the diet that is given in the jails with any sense of taste or decency. Sir, the food that is generally served to political prisoners of division III consists mainly of vegetables, which are brought from the gardens of the jail. They get half a chattak of fish on one day in the week, and for six days in the week they get vegetables only: they get *danta*, *sak*, *kala*, *thor*, and such other things. I had to take that diet for four months, and I must confess here that I was forced to smuggle more decent food inside the jail in order to save my life. (Laughter.) I can say that smuggling of that nature is rampant in every jail in Bengal—particularly in the Alipore Central Jail, simply because people cannot live on that sort of diet. Can a man who has taken fish and meat throughout his life live on this sort of diet which is devoured by cows and other lower animals? A man must live and therefore he is sometimes compelled to have recourse to actions which are not supposed to be moral. My resolution is this: that political prisoners should be placed at least in division II. Of course, Sir, I have not gone through all the sections of the Jail Code, particularly those which have been recently framed. Had I time to go through the sections of the new Jail Code, I would have urged Government to place all political prisoners in division I instead of division II.

Sir, another difficulty which is generally experienced by the prisoners in division III is that they are allowed only one interview every three months and also to write one letter every three months. They cannot interview any relative within three months for more than once.

Now, Sir, I will relate some facts regarding the vagaries of classification. Babu Surendra Mohan Moitra of Rajshahi, an ex-M.L.C., a prominent leader of the Rajshahi district, was placed in division III. I have information, Sir, that his motor-car is used by the Magistrate of the district.

The Hon'ble Sir PROVASH CHUNDER MITTER: May I correct an incorrect statement made by the speaker? When this particular case came up before me, I ordered him to be placed in division I.

Babu JITENDRALAL BANNERJEE: Sir, the point is that he was originally placed in division III.

Maulvi SYED JALALUDDIN HASHEMY: The point to which I was going to draw attention was that his son was placed in division I, while he was placed in division III. Another gentleman, Captain Indra Nath Gupta, probably a member of the Indian Medical Service, was also placed in division III, and now, probably, he has been placed in division II. Another gentleman Babu Satya Charan Bannerji, son of Rai Kumudini Kanta Banerji Bahadur, late Principal of the Rajshahi College, a young man who was trained in Europe, was given division III. Babu Hem Chandra Ghosh, Secretary to the Bengal Provincial Congress Committee, was placed in division III, while a clerk of that office got division I. Babu Bepin Behari Ganguli, a Councillor of the Calcutta Corporation, and a man of considerable education and standing, was placed in division III. Another gentleman of Calcutta, Babu Bejoy Kumar Biswas, who is also a man of position and social status, was placed in division III. I do not understand how a man who is recommended by one Magistrate to be put in division I, can be placed in division II or III by another. One gentleman of Bagerhat who was formerly recommended by the Chief Presidency Magistrate to be placed in division II, was placed next month in division I, by the orders of the District Magistrate of Khulna. That gentleman to his surprise found himself afterwards reduced to division III. Generally the District Magistrate gets information regarding the status of the prisoners from no less a person than the sub-inspector or the assistant sub-inspector of police. Suppose a man belonging to Khulna is convicted in Calcutta. The Magistrate will gather information about his education and social status from the District Magistrate of Khulna. The District Magistrate in his turn will ask for such information from the subdivisional officer and the latter from the sub-inspector of police. The mighty sub-inspector will not care to inquire into the matter personally but will place it in the hands of the assistant sub-inspector. If the latter happens to bear any grudge against the gentleman, he will submit an adverse report. I cannot also understand on what information Government lowers down the status of a man in jail when the District

Magistrate has placed him in either division I or II. Government means here Hon'ble Member in charge of the Jail Department. Government do not care to go into details. They make some inquiries from the mighty Criminal Investigation Department or some members of the Information Bureau, and that is how they decide the classification of a particular prisoner.

Sir, my position is this. The Superintendent of every jail is a competent person to classify every prisoner according to his social position. The District Magistrate or the subdivisional officer or the police inspector can help him with information, if necessary. If you proceed in this way, I say that all this *golmal* arising out of the recommendation of the District Magistrate or the trying magistrate or the police officer, and the final recommendation of Government, can be done away with.

Now, Sir, one thing more and I have finished. Till lately there was a big line of demarcation between European prisoners and Indian prisoners. Now the former are placed in division II. Sir, I think it was due to the sacrifice of Jatindra Nath Das of revered memory,———

The Hon'ble Sir PROVASH CHUNDER MITTER: On a point of order, Sir. The hon'ble member is referring to rules which were in existence long ago. We are concerned with the present rules.

Maulvi SYED JALALUDDIN HASHEMY: I am coming to that. What I was saying is that these vicious, barbarous and inhuman rules were changed after Jatindra Nath Das had sacrificed his life.

The Hon'ble Sir PROVASH CHUNDER MITTER: The hon'ble member is referring to things which obtained before the old rules were changed. We are not concerned with them now.

Mr. PRESIDENT: When you are referring to the old rules, is it your intention to draw a comparison between them and the new ones?

Maulvi SYED JALALUDDIN HASHEMY: Yes, Sir. I should like to know what the intention of Government is in this matter. Do they want to see a repetition of the action of Jatindra Nath Das in the different jails of Bengal, or are they prepared to face mutiny in the jails like the ones which took place in the Rajshahi Central Jail and the Presidency Jail. There are two courses open to Government: either to place all political prisoners in division I or II or face a mutiny. Government should at this moment, when there is so much agitation, at least try to improve the conditions now prevailing in the various jails. Formerly, Sir, the magistrates, particularly those of Calcutta,

recommended division I for political prisoners, and I know from personal experience that volunteers, who were sons of gentlemen, were so treated when I was in the Alipore Central Jail.

The Hon'ble Sir PROVASH CHUNDER MITTER: May I rise again to rectify a misstatement of the speaker? There was no such division as class I at that time.

Maulvi SYED JALALUDDIN HASHEMY: Babu Jitendralal Bannerjee will bear me out whether almost all political prisoners were placed in division I or not. Now almost all political prisoners are placed in division III, and I challenge the Hon'ble Member to contradict what I have said already. I say that there is a motive behind this and that is to make them understand the rigours and horrors of jail life so that they may not do the thing again. If this is the object which Government have in view, I submit that they are bound to fail, as they cannot hope to bring these men under control, by making them realise the rigours and horrors of jail life, as they court imprisonment voluntarily. The ultimate result will be either mutiny or hunger-strike.

3-30 p.m.

Well, I know the diet in the Alipore Central Jail is under the direct supervision of the officers concerned, but in other jails of Bengal, for instance, in the district jail of Khulna and other district jails the food supplied to the prisoners cannot be eaten. Therefore my request to the Hon'ble Member-in-charge is to incur more expenses on diet and clothing of the prisoners. I would request him to change the present form of jail kit. The kit that is now supplied to them cannot cover their shame. The Mussalman prisoners cannot say their prayers with the sort of kit that is supplied to them. My point is that the present form of jail kit should be changed. I wonder how a civilized Government can give this sort of kit to their prisoners. I quite know that prison-life is not a life of luxury, but a life of correction. If they want to correct their character they should not treat them in the way that they are treating them now. I would, therefore, request the Hon'ble Member in charge of Jails to place division III prisoners to division I, which is the proper rank in which they should be placed, because in division II habitual prisoners of similar social status and education are ordinarily placed. In division I only political prisoners who are not convicted of any offence of violence or moral turpitude are placed. My point is that all political prisoners should be placed in division I. I therefore commend my resolution to the acceptance of the House.

Mr. P. BANERJI: Sir, I beg to move, by way of amendment, that in the motion of Maulvi Syed Jalaluddin Hashemy, line 3, for "division II" "division I" be substituted.

My amendment is a very simple one. Mr. Hashemy, the mover of the resolution, has given you a vivid description of his experience of jail life. He has also told you that he has not gone through the present Jail Code, but, Sir, I have done that and on looking into the Jail Code I find that there are three classes of prisoners, and they have been recently classified as division I, II, and III. Division I prisoner means a prisoner of high social status whose offence does not involve moral turpitude. Similarly division II prisoner means a prisoner of high social status, but whose offence does involve moral turpitude. Division III prisoner means any kind of prisoner, provided his social standing is not very high. Now, where is the justification of classifying these political prisoners as division III prisoners? On a reference to the Jail Code I find that there is absolutely no justification for this; either you can classify them as division I prisoners or division II prisoners. You have heard of the inhuman treatment that is meted out to these prisoners in the jails. Mr. Jalaluddin Hashemy has mostly referred to the incidents in the Presidency Jail which is termed as a jail for *bhadralok* class prisoners. There are many other district jails where thousands of prisoners are rotting, and if you refer to their diet, you will find that not even three annas but only 2 annas and 6 pies is spent on their diet. Their morning diet consists only of *Lopsi*, which many of us may not know what it is. It means *khud siddha*, i.e., particles of rice and other grains. This is not fit for human consumption, but can only be consumed by cattle. This is what is given to the prisoners in the morning. They might be offenders, but after all they are human beings. They should not be treated as ordinary convicts. They are suffering for their own principle, but they are men of high social standing and education, and it is to this class of people that the Bengal Government, one of the best civilized Governments, is giving food which is fit for cattle only. If you refer to the noon diet, you will see that it consists of coarse rice and only *dal* water, and only about two chattaks of raw vegetables are given. These vegetables mostly consist of only some *thors* and similar other things.

Mr. R. H. HUTCHINGS: On a point of order, Sir? Is the member speaking from his personal experience?

Mr. P. BANERJI: Yes, from the experience of my friends. The Secretary's knowledge is confined to the papers before him, but he does not know the actual state of affairs in the jails, and so he objected to the statement made by Maulvi Jalaluddin Hashemy when he said that employes of the jail have a share in the prisoners' diets. But that is an open fact. Then comes the evening course which consists of some

coarse *atta* which is unsuitable for human consumption. You will find that these things which are sold in the bazar are invariably adulterated. They are given 2 annas 6 pies per diem for their food, but food worth that amount does not reach them. Therefore, you can imagine what quality of food is supplied by the contractors. It is all very good to say from the papers that good clothing is given, but actually when it reaches the prisoners they do not get it. That is the complaint. It is not that Government are not paying or that we are not providing the money, but that the money is not properly spent, and we have no hesitation in saying that this administration of jails is rotten to the very core. That is the objection. Then in the evening meal the *atta* that is given is not fit for human consumption.

The Hon'ble Sir PROVASH CHUNDER MITTER: Sir, the resolution is that all political prisoners placed in division III should be at once ranked at least as division II prisoners. Mr. Banerji's amendment is that they should be placed in division I. He now gives a general description from his own idea of the diet that is given to ordinary prisoners. Is that allowed? His case refers only to political prisoners.

Mr. PRESIDENT: I think he is giving us a vivid picture of what actually occurs inside the jails.

Mr. P. BANERJI: This is really the state of affairs prevailing in the jails, and if any of us would go into the details he will find the state of affairs still more horrible and inhuman than I have just narrated. The Hon'ble Member has suggested that I should confine my remarks only to political prisoners, but I would like to state that my object in narrating the whole state of affairs is to bring home to Government the actual condition of the C division prisoners.

3-45 p.m.

I desire to say that this is the real state of affairs; and if anyone of us will inquire into details, he will find that the state of affairs is still inhuman. Sir, the Hon'ble Member-in-charge has suggested that I should confine my speech to the political prisoners. I am, as a matter of fact, speaking about C division prisoners who have not been guilty of moral turpitude and I say that they should not be given such sort of inhuman treatment. It is in the Jail Code that the classifying authorities will indicate the division in which a prisoner should be placed subject to confirmation or revision by the Local Government. It has been contended that as soon as a petition regarding this comes from a prisoner, it is considered at once. But I say that magistrates

do not use their discretion in classifying prisoners in the Jail list. Dr. Sarat Chandra Mukherji, President of the Birbhum Congress Committee, an L.M.S. with an income of Rs. 500 per month, was sent to jail and he was put into A division. Subsequently, when he was arrested again for the alleged interference with the police in regard to a *Ratha Jatra* procession he was sentenced to six months' imprisonment and was placed in classs C; he is still in jail in class C. I can cite another instance. Here in Calcutta Mr. Jatindra Nath Biswas, an England-returned Engineer, is a C division prisoner. Another gentleman, a leading pleader of Berhampore, Durjhati Bhusan Chatterji, President of the Bolpur Congress Committee, has been placed in C division. When Mr. G. S. Dutt, District Magistrate of Birbhum, happened to inspect the jail he saw two or three C class prisoners—Dr. Narendra Nath Banerji, President, Labhpur Congress Committee, and Mr. Basanta Kumar Banerji, a nephew of our colleague, Professor J. L. Banerji—suffering from blood-vomiting, Reinal colic and other things. He felt for them and asked them to apply for placing them in the higher class. That was done. The application was sent to the Inspector-General of Prisons. It went through the usual authorities until it came to the police and the police reported that they found it impossible to recommend a higher class for these prisoners. The result is that the district magistrate could not do anything. He told the prisoners that he was helpless in the matter and that he pitied them. That is the state of affairs and my resolution is to remedy this state of affairs. The classification of prisoners practically rests with the police, though under the Jail Code it is the district magistrate who is responsible. Whatever recommendation might be made by the district magistrate, it depends entirely on the police report. It is all very well, Sir, to say. There might be one thing in the record but in practice it is quite the other thing. This state of affairs may be remedied. The Hon'ble Mr. Prentice said the other day that British Raj is functioning here and not the Police Raj but we find in actual practice that it is the Police Raj which is functioning everywhere. Sir, I protest against the inhuman treatment which is being meted out particularly to the political prisoners. They are suffering very much.

Mr. SHANTI SHEKHARESWAR RAY: Sir, at the very outset I desire to declare with all the earnestness I command that the classification of political prisoners is wrong and unconscionable at the very root of the idea. Because once you declare them to be "political prisoners," you can hardly label them as "aristocrat political prisoners," "zemindar political prisoners," "Barrister political prisoners" and "volunteer political prisoners." Such a distinction has always been iniquitous, immoral and invidious in the extreme. Is it not fair and right for all those who have yet any the least scintilla of claim to fairness and justice, to acclaim unequivocally that a "political prisoner" is a

"political prisoner" denuded for the time being of other considerations and outward extraneous trappings? It is the identical urge of sublime patriotism that propels each one of these patriots who are branded as prisoners.

All honest people must hold that the gravity of the offence should be the sole criterion of classification, if classification there must be. But I can cite numerous cases in which delinquents, who have merely offended against special enactments or ordinances, for the sake of a noble principle, have been thoughtlessly placed in division III while those who have deliberately violated and trampled under foot the prince of Penal Code sections, have been put in division I. We must have the fairness to admit that the prisoners are not felons and criminals convicted of any heinous moral offence or accused of any moral turpitude. So, all of these men should be placed in one class alone—the "political prisoners division." But if there must needs be a classification, let there be only divisions I and II. Only political prisoners of outstanding social, educational and professional eminence should be assigned to division I. As I have said already, there is every likelihood of grave injustice being inflicted in making the classifications. Suppose there is a brother who is a leader of a district Bar whom you put in division I whereas his own brother, because he is not a pleader or a doctor, will be clapped into division III though their social respectability is the same. If this is not injustice and hardship I do not know what it is.

Sir, this duty of classification of political prisoners has afforded to the magistracy and the subordinate judiciary of the land, I should not say, a pleasant pastime, but certainly has clothed them with brief, little irresponsible authority, autocratic power and non-chalant wide discrimination. And when a grievance is made and a protest lodged in the press and in this House, the powers that be would make light work of it by saying at once that the matter should have been reported to the authorities concerned, say, the Member in charge of the Jail Department. Now, Sir, it is a very strange and no less delicious remark for the tin-gods to pronounce. Well, if it is true that hard words break no bones, none the less is it patent that the harder and harsher lot of division III political prisoners is not calculated to break the back-bone of the self-less patriots who reckon no suffering and no sacrifice as too great. And how can we bring ourselves to believe that the Government of Bengal have not suffered a total bankruptcy of statesmanship if they impress us with unabashed credulity the necessity of petitions and prayers to the powers that be from these convicted patriots for a little amelioration of their jail life, for a little lightening of the burden? It is indisputably true that they are above the meanness and the slavish attitude, aye, the weird megalomania of first violating the lawless laws promulgated by a fiat and an ukase and next bowing,

cajoling, kow-towing and kissing the dust for a little favour and a negligible relief by higher classification. Of far different stuff are the honourable political workers and non-violent, clean fighters of Bengal made. It is inconceivable to the meanest intelligence that these heroes should appeal to the authorities with folded hands and thus cover themselves with humiliation. But the authorities, if they desire to describe themselves as members of a civilised Government, have perforce a duty to themselves, a duty to this Council and to the country whose best interests it is their clear privilege to promote. If these patriots refuse to be demoralised and humiliated, the door is not barred for the advisers of His Excellency the Governor from saving themselves, from the accusation of being themselves demoralised by showing a vindictive attitude and the reproach of callous injustice and calculated harshness. Sir, I support this resolution and submit that so far as political prisoners are concerned division III should be altogether abolished. As regards the lady satyagrahic workers, is it not a sacrilege to imprison these messengers of heaven inside prison bars? Is it not a dirty shame that these heroic and noble ladies have been put to shameful and incredible cruelties at places? For them there should be no talk of jail life, no mention of classification at all.

4 p.m.

Dr. NARESH CHANDRA SEN GUPTA: I am at a disadvantage when I rise to speak on this resolution because I have never been inside a jail, as a prisoner I mean. I am afraid if I transgress the limits of caution Mr. Hutchings will come down upon me from the one side, and Mr. Jitendralal Bannerjee from the other, accusing me of talking about things of which I know nothing. I think the safest course would be for me to point out the errors of Mr. Jalaluddin Hashemy. He has brought forward this motion upon the assumption that political prisoners are not ordinarily lawless men. But has he not heard it pronounced on the highest authority, from the mouth of the Prime Minister himself, that civil disobedience is simple lawlessness, but I cannot conceive that Mr. Ramsay MacDonald said more or less what was put into his mouth by the authorities here. However, I believe that is the attitude of the authorities here, that civil disobedience is lawlessness and lawlessness is a crime, and that crime should be punished by putting persons in jail. Well that is the case, and on the last occasion the Hon'ble Member in charge of Jails told us that prisoners must be dealt with in accordance with sound penological principle. Well, Sir, I have never been inside a jail, nor been in charge of a jail and have had no opportunity of being familiar with penology or criminology. But I know that there are certain principles on the basis of which crimes are punished. It is said that the fundamental principle of punishment of crime is either correction of the prisoner or the prevention of crime. Well it is suggested that these people cannot be corrected by putting

them into jail. All that we can do is to prevent the commission of crime by these men, and if that is the only reason, they should not be dealt with more harshly than is necessary just for the purpose of preventing them committing crime. If that is so, one would expect that those political prisoners who are convicted and are detained should not be made to suffer more hardships than they are used to in their life outside the jail. I suppose it is on this principle that Maulvi Syed Jalaluddin Hashemy has moved his resolution. But he forgets that as a matter of fact there is a third sound criminological principle. People are punished not merely for correction, not merely for the prevention of crime, but in some manner to satisfy the desire for vengeance on the part of the person wronged. Well, Sir, students of the history of criminal law are aware that all laws and criminal law in particular, arise out of this primitive instinct of vengeance. On this was framed the famous law of lextationis—the maxim of "an eye for an eye, a tooth for a tooth" and it is even now recognised as a sound principle that the man whom you punish should be punished so that the person wronged will have his desire for vengeance more or less satisfied. If you take that principle, then there is nothing wrong in what is being done. If you take into consideration the spirit of vengeance and the desire to punish, if that is the moving spirit, it is possible to understand the sentences, and the classification which have been imposed in some cases. Take, for instance, the case which came to the personal notice of the Hon'ble Member, the glaring wrong of which was rectified here. The case to which reference has been made is the case of Surendra Nath Moitra, a very respectable pleader of Rajshahi, who, as Maulvi Syed Jalaluddin Hashemy has informed the House, owns a motor car. The offence of which he was charged was a very serious one. Putting it into common language, it was that of assaulting His Majesty's table, because he had just removed a table which the police had placed in a particular place, to another, and for this assault on His Majesty's table, what do you expect as a punishment? Well, if you judge the criminality of the act, the man would be sent off home; if you judge on the principle of correction there was nothing in it to correct, but there was the other principle. He had given serious offence to the local authorities there. Unless he was severely punished, unless he was made to feel that he was punished, there was no sense in sending him to jail. By placing him in division III you satisfied this spirit. It is no doubt true that Government themselves have provided certain rules, and as a matter of fact, as Maulvi Syed Jalaluddin Hashemy has pointed out, in the earlier days of the civil disobedience movement most of these people were according to these rules put in division I. Well it may be that from a sense of glaring wrong committed in one case or in a fit of generosity Government made a virtuous resolution. Nobody expects human beings to stick to virtuous resolutions for all time. Circumstances change, and it may be that the Hon'ble Mr. Marr might pull

up the Government, he might object that this classification of prisoners means too much expense; a hundred different circumstances there may be which are locked up in the hearts of those who are entrusted with the secrets of Government about which we have not the slightest knowledge. In the early days the rules were strictly adhered to. They are not so now. I know my hon'ble friend the Member-in-charge will say that this is not so. I think it is the sheerest pretence to say that this is not so. I will add one more to the examples given by Maulvi Syed Jalaluddin Hashemy. In my own constituency in the town of Tangail a batch of young men, not only very young men but men between the ages of 17 and 40 were sent up for trial for an offence for which I should say they could not be convicted. For the offence of hiring themselves out as volunteers for picketing, and at a time when the picketing Ordinance had not come into force. These men were tried at Mymensingh. I happened to know a great many of them; all of them came from very respectable families, and some of them from very, very good and prosperous families, and what do you think they had done? They were found sleeping one night in the house of Babu Amarendra Nath Ghosh who was a member of this House, and who was then in jail. His house was also the Congress office and all that has been proved against these men is that that they were there. That was the only evidence against them, but some of them, not all, had been also involved in picketing wine shops, a very laudable object I should say, on one or two previous occasions, and for this offence these persons were not only imprisoned, but with the exception of one all of them were placed in division III. That one person happened to owe his promotion to the fact that the subdivisional officer who gave evidence in the case knew him personally. There were other persons who were equally respectable, equally honourable, and they were all placed in division III. If on the face of all these facts the Hon'ble Member pretends that these rules have been adhered to, and a discretion exercised in the classification on absolutely rational grounds, I should say he is playing with words. He has chosen to keep himself in ignorance of the facts. I challenge him to examine all the cases of imprisonment of political prisoners, and as an honest man, I would ask him to place his hand on his breast and say that as a matter of fact that men who ought to have been placed in division I have not been placed in division II. I do not say that political prisoners should be treated differently from other prisoners because they are political prisoners, but I say that if you are administering the penal law on any sound principles, you have no right to say that persons who have committed no crime known to civilised jurisprudence should, not only be convicted but treated as common thieves. That is my contention and I believe that on principles of penology, criminology, or any other "logy," this treatment of these people cannot be justified. I know it is perfectly true that there are a few political prisoners, who are not of the better classes

they do not belong to the *bhadralok* class, they do not live like them—there are a few Sonthals for instance—but they are very few. The bulk of these people belong to a class who have lived outside the jails in a manner far superior to the position allotted to them in jail.

4-15 p.m.

Babu JITENDRALAL BANNERJEE: I disclaim most earnestly the character of expert or authority that has been sought to be foisted upon me. I am neither an expert nor an authority, and my knowledge of jails is limited. But I do claim that, when I was in jail, I exercised my eyes and ears; and I make it a point to use language as precise as may be possible. On this occasion I shall go further than my friend Mr. Hashemy and support the amendment of Mr. P. Banerji. But in supporting the amendment of that gentleman, it is not necessary that I should bear him out in all the wild and whirling statements that he has made. Mr. Banerji has said that the treatment meted out in jails is horrible and inhuman. But I may just tell you in so many words that it is nothing of the sort—it is neither horrible nor inhuman. So far as ordinary prisoners are concerned, it has been found that at least 95 per cent. of them—I am using the language of studious moderation, the figure is sure to be higher still, nearer 99 per cent. than 95 per cent.—but at least 95 per cent., when they come out of the jail, come out improved in weight. If the treatment had been horrible or inhuman, this could not have been so; and this applies, not simply in the case of ordinary prisoners but in the case of political prisoners as well. I know of one political prisoner who put on 48 pounds in the course of two years. So it is idle to say that the treatment in the jails is inhuman. Condemn the thing on other grounds if you will, but do not condemn it in the plenitude of your ignorance—coming to the substance of the amendment, I have already taken up the matter with many members of the House and shall take it up with Government as well—that there is absolutely no justification for placing political prisoners in division II. According to your own rules, rules contained in section 625A of the Jail Code—for the time being I am not concerned with the question as to whether the rules have been wisely devised or not—but according to the Government's own rules, political prisoners must be classed either in division I or in division III; they cannot be classed in division II. Now I shall proceed to elaborate my reasons. What is the basis of classification at present? Prisoners belonging to the lower classes or to the lower middle class go automatically to division III, irrespective of the nature of their offence. On the other hand people belonging to a higher class, people who are accustomed to a superior mode of living, to use the language of the Jail Code—go automatically to division I or division II. Thus, so far as social status is concerned, there are divisions I and II on the

one side and division III on the other. There is an imaginary line of demarcation as it were: people below this line go to the third division, while people above this line go to divisions I and II. It may be asked—what then is the point of distinction between class I and class II? It is here that the nature of the crime comes in. Those who belong to a superior status of society and at the same time have committed an offence involving cruelty or moral degradation go to division II, while those who belong to the same superior class of society but have not committed any offence involving moral turpitude —to use a convenient phrase—they go to division I. I know that there is a subtle, logical sophism upon which Mr. Hutchings will seek to trip me up. He will say that these people are *eligible* for division I or II as the case may be—and not that they will automatically go to division I or II: that is the logical point he will make. But if a person is eligible for division I, my contention is that he *must be placed* in division I, unless reasons, cogent and valid, can be shown to the contrary. Such being the case, political prisoners, inasmuch as their offence does not involve any element of moral turpitude, must be placed, according to the Jail Code itself, either in division I or in division III.

Then comes the question: Is there any justification at all why political prisoners should be placed in division III? You admit that the offence of these political prisoners is a technical one; it may be against the law of the land and it may even be punishable with death or transportation for life; but no one pretends that it involves any element of moral degradation. After all, what is the offence charged against these political prisoners? That they have loved their country, not wisely but too well, not having regard to their own interests but to the sacred interests of the mother land. For that you can punish them and you *do* punish them, you *do* keep them within jails, but what right have you to herd them with thieves, robbers and ordinary criminals? Therefore, my contention is that all political prisoners as such must be placed in division I. You will perhaps say that it would be costly and involve more expenditure: but will the money come from England, from your pockets or from any foreign country? No. It is the taxpayers of India who will bear the burden; and I can speak for them that, if you put up the expense, they will bear this additional expense as well. But even this excess of expenditure will not be necessary. The contention of political prisoners throughout has been—and on this point, I am in entire agreement with my friend Mr. Shanti Shekhareswar Ray—their contention throughout has been—that they do not want any discrimination made between themselves. All that they want is that they should be placed in the same class—call it special class or political class, or whatever it may be. At present you allow the princely sum of annas 9-6 daily for 1st division political prisoners. If you think this too much, reduce it,

make it 8 annas, 7 annas or 6 annas just as you like. But, always and at every point, bear two considerations in mind. First of all, segregate political prisoners and, secondly, put them all in the same class. Do away with the invidious system of classification that now exists.

I think I have substantiated my first point, *viz.*, that political prisoners should be put either in class I or class III, and I have given cogent reasons also in support of my contention that there is no justification for placing them in division III.

In this connection, there is just one word more that I should like to say. Much time has already been spent, and perhaps more time will be spent in future, in talking about political prisoners. But this is wholly unnecessary, and I appeal to the members of this Council to think of another aspect of this question of jails. Political prisoners are vocal, perhaps more vocal than we ourselves are, and they know how to take care of themselves. But there are others who are utterly hopeless and helpless, and who can make only a dumb appeal to our sympathy and compassion. They are those whom my friend has comprehensively described as thieves and robbers. After all, political prisoners are only a passing phrase. To-day they may be in jails, to-morrow they will not be. But these other prisoners, 30,000 of them, will always be there. Let us not forget that they too are human and that they have souls to be saved. Of them it can be truly said that they are rotting in jails—not of political prisoners: for the political prisoner, in the darkest chamber of the prison-house, is cheered, upheld and sustained by burning faith in his cause. But so far as these common prisoners are concerned, there is no ray of hope, no ray of sympathy, to cheer and sustain them in their desolation. Let us spare some thought, some attention, some sympathy for them, and I may assure my friends that the time so spent will not have been spent in vain.

Maulvi ABUL KASEM: I must tell the House at the outset that I have every sympathy with the mover of the resolution and close sympathy for the people for whom he speaks. But at the same time I must say that I speak with a certain amount of diffidence because I lack that personal experience which some of my friends possess in this matter. I certainly think that it is wrong to classify prisoners on any basis other than the nature of the crime committed by them. Sir, we have been told by several speakers that there should not be any distinction between the zamindar, the monied man and the poor man who are both offenders, and the classification should be mainly based on the nature of the offences. My friend, the mover of the resolution, has said that political prisoners are in jail for no other offence than that they hold a particular political opinion. I entirely agree with him that the people who are in jail simply for no other offence than

that, should be treated well and placed in division I or II, but may I remind the House that there are people who not only hold a particular political opinion rightly or wrongly but who in furtherance of their object do overt acts which disturb the peace of the land. Sir, we have been told that a large number of such prisoners are put to great hardship in this way. If that be so, it should be remedied, and I appeal to the Treasury Benches to look into this matter with humane instincts. But I would also like to draw the attention of the House to the fact that many of my countrymen are misguided and have got this idea into their heads that a visit to His Majesty's jail is absolutely necessary for the establishment of the stamp of patriotism, and also to impress upon the House that there is as it were a craze among them to go to jail. Of course those of them who are sent there only for technical offences should be treated with respect but there are others who, following the creed of non-violence, have actually been guilty of violence more or less and for the safety of the people I think some punishment should be meted out to them who are guilty of violence. We have been told that a large number of young men belonging to the *bhadralok* class are in jail, but there is a continuous propaganda inciting these young men to seek shelter in the jails. I have said that I have no experience of jail life but I know something of the district jail at Burdwan—fortunately for us there are no political prisoners there—where at one time political detenus were kept and I can speak without fear of contradiction that the gentlemen who were kept there for a few days became a source of great trouble not only to the jail authorities but to the District Magistrate as well, so much so that we had to appeal to Government—and this appeal all the non-official visitors to the jail had to sign—to remove them from the Burdwan jail to some other place. As regards treatment in jail Mr. J. L. Bannerjee, who has personal experience in the matter, has said that it is wrong to say that they are inhumanly treated there. I must make it clear that we cannot expect jails to be converted more or less into public restaurants. I feel, Sir, that the very fact that the prisoners are confined within the four walls of a jail is a sufficient punishment, but in a majority of cases the punishment is sought by the persons themselves.

Sir, I entirely disapprove of measures Government take in making such offences as picketing or becoming volunteers, criminal offences. These measures should be abolished as soon as they can, for many of my countrymen who are anxious to create disturbances and who are only too glad to have these measures promulgated violate them and go to jail, so that it may be said in a sense that Government themselves come to their rescue. But for these measures——

MR. MR. [illegible]A KUMAR BASU: Has that got anything to do with the resolution?

Mr. PRESIDENT: Absolutely nothing. I must point out that we are now discussing different classes of political prisoners in jails and not what laws or ordinances Government have promulgated or may promulgate hereafter; the Maulvi Saheb must confine himself to the resolution.

Maulvi ABUL KASEM: In confining himself to the resolution I meant to show that a large number of people go to jail of their own seeking, and create disturbances in the country.

4-30 p.m.

Mr. PRESIDENT: I find great difficulty in following you. Are you supporting the motion or opposing it? You seem to breathe hot and cold at the same time. (Laughter.)

Maulvi ABUL KASEM: I have to express my opinion on this resolution, and it will suit either party as they will take it. (Laughter). What I say, Sir, is that I do not approve of the classification of prisoners at all, and therefore I oppose this resolution which seeks to place all political prisoners of the third class in class II. At the same time, I support the principle of the resolution. I would, however, appeal to my countrymen to give up the idea of going to jail, and we in this House should show our disapproval of the methods adopted by the present political prisoners. Of course, it is our duty to treat the prisoners well, but it is equally our duty to see that this contagion of seeking prison-life is removed.

With these words, Sir, I oppose this resolution.

Babu SATISH CHANDRA RAY CHOWDHURY: Sir, I want to say a few words on this resolution. I have not been able to understand the classification system in the light of the Jail Code and also in the light of the decision of the Government of India. It has been said by my hon'ble friend to my left that some of the prisoners, when they come out of jail, do not lose their weight. And Mr. Hutchings, who is ever ready to enlighten us on all jail matters and who spares himself no trouble, has also informed me that as a matter of fact some of these political prisoners, when they came out of jails, were found to have gained in weight. I am sure there is no temptation for many of us to go to jail even in spite of that. We have been told by the Hon'ble Member-in-charge as regards the supply of oil, mosquito curtains, etc., that it does not matter so long as it does not affect the health of the prisoners. But, Sir, I find all that the Government of India have laid down is that in the matter of classification of prisoners, their social status, education, habits of life, etc., should be taken into account. According to the decision of the Government of India, it is

not only the health of the prisoners that has to be looked after, but that the prisoners, who come from the better classes of the people, should be given better treatment and placed in higher classes. If that be so, if the matter is to be placed beyond the pale of controversy, I submit that really all those prisoners who are placed in division III should be placed in division II or division I, according to the principle laid down by Government of India. I think, Sir, that the principle enunciated by the Government of India and the principle underlying the Jail Code should be brought into conformity with each other. It is a fact beyond dispute that most of the political prisoners in Bengal belong to the better class of society, and their mode of living is certainly superior to that of ordinary class of convicts who form the bulk of the class III prisoners. And, as a matter of fact, the application of this principle, or rather the non-conformity with the principle laid down by the Government of India, has in many cases resulted in the deterioration of the health of the prisoners. Political prisoners almost generally were accustomed to the use of mosquito-curtains and oil before going to jail. One instance will suffice to show how they suffer in jail. In the Krishnagar Jail three political prisoners were attacked with a malignant type of malaria, and two of them succumbed. Two out of three? Sir, in Bengal malaria is the one disease against which the greatest precautions should be taken, and to that end it is imperative that the prisoners should be provided with mosquito-curtains. When you profess to be so solicitous about the health of the prisoners, you should improve the conditions now prevailing in the jails in these matters. Simply because you yourselves are satisfied with the standard of weight, it does not follow that all is well in all other respects with the prisoners. It must be said and said with great emphasis that the principle of classification is wrong, that there should not be different classes in jails for people who belong to the same political camp, who suffer for the same crime —the crime of patriotism. Glaring instances have been brought to light of persons deserving to be placed in class I being placed in class II or class III, thereby giving a long rope to the agitators. If the instances cited are really true, then there is no getting away from the conclusion that this classification ought not to be there. It is vicious in principle, and it is still more vicious in its application. This is a matter which the Hon'ble Member-in-charge should take seriously into account. The rules have got to be changed on account of the widespread discontent and irritation which they have given rise to among all classes of political prisoners. I take it, Sir, the Government of India, when they laid down the new principles, were actuated by a desire to meet the grievances of these persons who went to jail not from any selfish motive but out of the highest motives of patriotism, but the rules framed have not succeeded in removing them. A revision of the rules has, therefore, become urgent and imperative.

Even, without making any changes in the rules, I think that the Hon'ble Member has it in his power to do a great deal in order to alleviate the sufferings of these prisoners and to make life a bit more tolerable for them, for it is in his power to provide these prisoners with such bare necessaries as mosquito-curtains, oil, etc., and possibly, with pillows and may affect some changes in dress and clothing. It is an object-lesson in inequity and injustice to see differential treatment being meted out to prisoners guilty of the same offence: while one prisoner is allowed to have his usual dress, another is compelled to use *jangias*, shorts and *kurtas*. That is a spectacle which is very unedifying and does not redound to the credit of the Government. I think, Sir, that where it is possible to make any change in the rules, it should be done at once, in view of the widespread feeling prevailing in the country and where it is possible to remove the causes of complaints without such changes, the same should be done without the least delay.

Mr. R. H. HUTCHINGS: Sir, in the speeches that have been made on this resolution, more than one suggestion has been made to Government as to how they should regard the classification system and the principles on which it should be based. But the resolution itself recommends that all political prisoners placed in division III should at once be ranked as division II prisoners and that is the question before us. We are not asked to consider any other way of dealing with the classification system. To me it is somewhat a matter of surprise that this particular resolution should have been brought forward by a member who was very vociferous the other day in refusing Government the necessary money to segregate political prisoners by placing them in additional special jails. It is a very curious thing that one day he should be refusing money to provide additional jails for political prisoners and on another day pressing for the classification of all political prisoners in a higher class. I do not understand whether he means to be taken seriously or not, but it seems to me that the House cannot take him seriously. However, Sir, other speakers have tried to express dissatisfaction which they felt as to the way in which the existing classification system had in practice operated. First of all I would like to tell the House what Government regard as the basic principle underlying this classification system. It is the proposition that the jail treatment for various classes of prisoners, while avoiding any tendency towards extravagance, should be sufficient for the maintenance of the health and strength of the prisoners concerned. That is the ideal which we set before ourselves when we began to consider this classification system.

Babu SATISH CHANDRA RAY CHOWDHURY: May I know whether the rules were framed in conformity with the principle laid down by the Government of India?

Mr. R. H. HUTCHINGS: Sir, I am not at the moment referring to the results of the deliberations with the Government of India regarding the classification system. I am telling the House the angle from which the Government of Bengal approached this problem.

4-45 p.m.

At the same time I may tell the House that it was never the intention of the Government of India to classify people according to motive.

The resolution before the House speaks of political prisoners. It says that all political prisoners should be placed in division II. Although so many members spoke on the motion, there is no one who indicated to me what he means by political prisoners. I know perfectly well what is meant generally by political prisoners. But in such a matter you cannot deal in general terms. What is meant by political prisoners? How are you going to define them?

Babu JITENDRALAL BANNERJEE: Those who are cared for by the Political Department as distinct from the Jails Department.

Mr. R. H. HUTCHINGS: Well, there are many who will say that the dominating factor is motive; the prisoner has done it not for personal gain or personal greed but for some principle. Well, I say that if we take this as the criterion, you may say that the cooly who steals for a starving wife and children, his principle is no less plausible than that of the man who goes to jail by breaking the salt law. Be that as it may, nobody has for the purpose of classification ever succeeded in giving us a clear-cut definition of political prisoners. I personally believe that it is impossible to do so. Until that is done, I do not see how Government can possibly accept this resolution.

Our object has been to provide as far as possible the means of treating people of different grades of life in such a manner that their health and strength should be maintained, that they should not be subjected to undue hardship, and that on the other hand we should not be too lenient or the expenses incurred too great. Individual cases of apparent hardships have been quoted, but there are thousand cases in which I can show that Government have been perfectly correct and have indeed been liberal, but we are not discussing individual cases; we are discussing the system. Personally I do not think it can possibly be said that the treatment of prisoners even in division III is such as to cause serious hardship. I do not know whether my friend from Mymensingh will forgive me for again resorting to figures, but all I can say is that if he cares to read the Jail Administration Report of last year, he will find that the mortality in jails was 12·2 per mille as

against the provincial average of 25·8 per mille, and the Calcutta average of 31·7 per mille. This shows that our standard of diet, clothing and medical attendance not to the political prisoners only but ordinary convicts in division III is extremely satisfactory. We can show you figures, figures which are facts and not produced for the purpose of this debate, which will amply prove that we maintain our prisoners at a standard exactly twice as high as the rest of the province generally and nearly three times high as the town of Calcutta. It may be said that we are referring to ordinary criminals, but they have stomachs and lungs just the same as we have, and the man who happens to have committed a crime is not thereby excluded from the ordinary operations of nature. You may say that the young men who are now in jail are not accustomed to the same kind of food and treatment. As to that I would reply by quoting the figures from the special jails:—

Dum-Dum Special Jail.

Mortality	Nil.
Sickness	4·15 per cent.
Number who gained in weight ...	75·87 per cent.

Hijli Additional Special Jail.

The figures here are not percentage figures but actual figures:—

Number who lost weight	144
Number who gained weight	428
Mortality	Nil.

Berhampore Special Jail.

Mortality	Nil.

Of 1,500 prisoners, 1,029 gained in weight and 481 lost weight.

I know the loss or gain of weight is not the sole criterion, but it is an excellent indication of the standard at which they are maintained. If on the face of these figures Mr. Jalaluddin Hashemy and Mr. Bannerjee tell the House that the food supplied to the prisoners is unfit for human consumption, then all I can say is that these prisoners have performed an extraordinary gastronomic feat.

However, I do not wish to detain the House any longer on this point, but there are certain difficulties which we have felt as regards classification. Our original intention was to have two superior

divisions. In the higher of the two divisions we intended to reproduce the standard of the old European class and the old special class. Below that we wanted another division which would be adequate to deal with people who, while not of very high social standing, were slightly superior to the labouring class. For various reasons we had eventually to raise the standard of division II to something very much higher, in fact the standard of division II now reproduces the standard of the old special class, and one of the reasons why the courts have not classified more freely in division II, is because in their opinion it is really too high for the average class prisoner appearing before them. In that opinion they may be correct or incorrect, and there is variation in classification because some courts are more liberal than others. It would have been very much easier for us to work the classification system, had the standard in division II been actually placed considerably lower than it has been. But it is incorrect to say, as Mr. Bannerjee has told the House, that it was intended that all prisoners of superior class not excluded by the nature of their offence should be in division I. I can assure him that it was not the intention that every eligible prisoner should be placed in division I. It was intended that divisions I and II should be two separate classes, division I being superior to division II, and the criterion for division I should be extremely high social status and standard of life. The House will agree with me when I say that if we accept the basic principle that the dominating factor in classifying prisoners should be their standard of living, it is not quite logical to exclude from division I any particular kind of prisoner. But the fact is that in order to introduce the change proposed by the Government of India we had to raise division II sufficiently high to deal adequately with prisoners of really high status and standard of life who were excluded from division I. I have not heard as a matter of fact any member suggest that the solution would be to retain division I, to remove the exclusive classes to division I and make division II a little bit lower. Such a suggestion, if it had come from a non-official member, would receive our careful consideration.

There is one other point which I wish to bring to your notice, and that is the authority which makes the classification. Here I shall be very brief.

[Here the member having reached his time-limit resumed his seat.]

Mr. B. C. CHATTERJEE: We have heard a very interesting speech, and what I want to know is this. Can the Hon'ble Member-in-charge assure us that the improvements that have been suggested could be brought about within a measurable distance of time? Mr. Hutchings has suggested the removal of certain restrictions in respect of division I, and that division II should be made a little lower so as to include people who are now in division III. That seems to be a very reasonable

solution. We want an assurance from the Hon'ble Member-in-charge that this can be done and that it will not end in mere correspondence between the Government of India and the Government of Bengal, but that there is a chance of translating these ideas into practice within a practicable limit of time. If the Hon'ble Member gives us this assurance, I think this debate can be adjourned, just to give the Government a chance of showing that it is responsive to our suggestions. I take it that we are not here merely for the sake of fighting the Government. We are willing to do the right thing by the Government if the Government will do the right thing by us. We want the assurance from the Hon'ble Member-in-charge.

Mr. R. H. HUTCHINGS: On this point I should explain to the House that it would entail correspondence with the Government of India. These rules were framed after consultation with non-officials and officials of all the provinces, and whether a fundamental change like this would be agreed to by them I cannot say. I do not think we could go further than to say that we should place such views before the Government of India.

5 p.m.

As to whether we should be authorised to amend our rules according to such suggestions, I can give no undertaking about that.

The Hon'ble Sir PROVASH CHUNDER MITTER: I can only promise to go into that matter.

Babu KISHORI MOHAN CHAUDHURI: I think the political prisoners should be placed in second class pending final decision of the matter. They should be properly treated in the meantime—I mean the time during which the Government of Bengal will be corresponding with the Government of India. I urge that at least for humanity's sake, they should be placed in the second division.

The Hon'ble Sir PROVASH CHUNDER MITTER: Sir, with regard to the questions put to me by Mr. B. C. Chatterjee and Babu Kishori Mohan Chaudhuri, it will be more convenient for me if I deal with them during the course of my reply. I will, therefore, proceed to answer to the whole debate, but in doing so I will deal with these questions first. I may tell the House—as I believe I have told the House on other occasions—that our Government made certain unanimous recommendations to the Government of India at the time when the last-mentioned Government in consultation with the various local Governments considered the question of the change of rules. In connection with the proposal of the Government of India's scheme to change these rules, a conference was held by that Government in which members of local Governments, Inspector-Generals of Prisons and some other

officials were invited. If on that occasion the unanimous recommendations of the Bengal Government were acceptable to the other provinces as also to the Government of India, we could have administered our jails far more efficiently, with more economy and with far less trouble. But those recommendations were not accepted. (A VOICE: Shame.) It is not a question of crying shame. You cannot blame others if they with the knowledge and experience at their disposal came to a different conclusion. I am afraid therefore—and this I say with reference to the questions put to me by the two gentlemen mentioned—that I cannot hold out any hope that if we were to write to the Government of India they would at once change the rules. And if the Government of India do not change the rules at once, I cannot blame them either. They have got to take into account not only the conditions and opinion of one province, but they have also to take into consideration the conditions, opinion and advice of all other provinces in India. But I have not the slightest hesitation in saying that the experience of the Jails Department in Bengal confirmed those who have to deal with this department in the view that our original suggestions were right. As there must be uniformity of work and as the ultimate decision rests with the Government of India, I cannot accept Babu Kishori Mohan Chaudhuri's suggestion that pending change of rules by Government of India we should start on a new line of our own. Now, Sir, I would like to explain one point in this connection, *viz.*, the nature of our original proposal. We suggested three separate classes and we wanted to apply to these three separate classes this standard, namely, that in dealing with prisoners while avoiding any pampering the standard of the Jails Department would be to maintain their health. Applying that standard our suggestion with regard to the classification was that division I would provide for two classes of prisoners, *viz.*, Eastern I and Western I. Eastern I was meant for Indians who were used to a really superior standard of life and Western I was meant for Europeans used to such standards as also Indians who ordinarily lived in European style. Our division II in its turn would consist of two classes, *viz.*, Eastern II and Western II. Eastern II was meant for the poorer *bhadralok* class of Indians and Western II was meant for poorer Europeans, Anglo-Indians and others. The standard that we contemplated for our division II was much lower than the standard laid down by the Government of India for the present divisions I and II—I may mention that the standard and the scale of expenditure of the Government of India for divisions I and II is just the same. It would appear, therefore, that if our suggestions were accepted, the expenditure would have been much lower than that of the existing division II. I may mention that as a matter of fact the expenditure in the present division II is slightly higher than that of division I, because in division I prisoners are allowed to have their own clothes and can pay for certain other things, whereas in division II the whole expenditure has to be found by

Government. The principle laid down by the Government of India for division I has introduced certain limitations with regard to the nature of certain classes of offence. On account of the limitations so introduced practically not a single European prisoner can be placed in division I. While, therefore, our Government in proper time, and it may be at a very early date, would again write to the Government of India, I cannot hold out any hope that the Government of India would necessarily listen to our suggestion. I may in this connection take the House into my confidence and tell the members that soon after we received suggestions about the change of rules from the Government of India we did write up to that Government pointing out the difficulties that we are likely to encounter. Sir, this then is my answer to the questions put to me by Mr. Chatterjee and Babu Kishori Mohan Chaudhuri that while I am willing to try again I cannot accept their suggestions.

After this explanation I may be allowed to point out that the interesting debate to which we have listened to-day might have been more profitably raised in the Legislative Assembly and not in this House. If the members who spoke to-day had taken the trouble to go through the gazette notification in which rules were published or had consulted me or the Deputy Secretary before the resolution and the amendment were tabled or even before the debate took place, they could have easily got an explanation of the true position and much time of the House could have been saved, but they have chosen to put forward the resolution and the amendment and have raised the debate to which we have just listened and I have, under the circumstances, no other choice but to answer to the debate as best as I can. The resolution says that all political prisoners should be at once placed in division II. Stress has been laid on the expression "political prisoners." I can well understand the sympathy of some of the gentlemen who have spoken to-day for political prisoners, but I may at once tell the House that the origin of the change of rules by the Government of India was the agitation which was started soon after the death of a particular political prisoner. The Government of India was asked to change the rules with a view to meet the situation resulting from that agitation. The Government of India in their discretion not only consulted the provincial Governments but also asked those Governments to consult non-official opinion. We in our turn, therefore, consulted non-official opinion. At that time the Swarajists had not resigned their seats on the Council. As members of the Legislative Council we had many Swarajists who were jail visitors and these Swarajist members of the Legislative Council were consulted and their opinion was conveyed through the different local Governments to the Government of India. The Government of India after consulting different non-official opinions as well as the opinion of the local Governments came to a particular decision.

They came to the conclusion that there were insuperable difficulties in basing motive of an offence as a criterion of treatment regardless of the conviction for the offence itself. It was then urged before the Government of India that prisoners convicted of offences under section 124A or 153A of the Indian Penal Code should on account of the nature of their offence irrespective of status be entitled to special treatment in prison. This meant that the criterion of treatment would be based on the motive or nature of the offence and not on the social status of the prisoner. The Government of India came to the conclusion that the principle of admission to the special class, particularly to division I, should mainly be governed by consideration of social status. The nett result was that the Government of India refused to accept such a thing as motive for the crime as the criterion of treatment in jails. If you rule out all motives altogether, then you will have to rule out the political motive as well. But the position of the Government of India does not seem to me to be so untenable as some of the members apparently think. If you introduce motive, then you place before yourself all kinds of difficulty in jail administration. Leaving aside the motive behind a political crime—because the expression "political crime" is apt to start a false issue—let us suppose that a man committed murder under grave and sudden provocation and another man committed murder after he had coolly and deliberately planned the murder. Here taking this example if in jail administration you enter into the question of motive, you enter into very dangerous grounds.

Dr. NARESH CHANDRA SEN GUPTA: May I interrupt Sir? May I ask the Hon'ble Member whether there is not a distinction made in the Penal Code between a murder committed under great provocation and a deliberate murder?

The Hon'ble Sir PROVASH CHUNDER MITTER: Surely, my friend perhaps knows better than an humble lawyer like myself that it is the function of the court to take motive into consideration when passing sentences. The question of motive is a matter for the court to take into consideration in awarding sentence. Once the sentence has been passed by the court after taking into consideration the question of motive, it is for the Jails Department to carry out the directions of the court as embodied in the sentence and it is not and ought not to be a matter for the Jails Department to enter into any question of motive. Some of my friends opposite who pleaded so much for the political prisoners being treated in a superior manner because of the motive of their crime have been properly answered by my friend, Dr. Naresh Chandra Sen Gupta, when he points out that a distinction is made in the Penal Code. That distinction is a matter for the court and not for the jail authorities. The duty of the Jails Department is only to carry out the sentence imposed by the court. If you ask the Jails Department

to enter into the question of motive, then it may be very attractive for certain occasions, for example, an occasion like the present—you will perhaps agree that it is an argument which may cut both ways and which may have very dangerous implications. Suppose you allow the jail authorities to enter into the question of motive of the crime, then you cannot rule out the possibility of the jail authority being actuated by a sense of vengeance. Would the members opposite like it? But I may say whether my friends opposite believe me or not our consistent effort in the Jails Department has been and will continue to be to carry out the orders of the court subject to the orders of the Government of India and subject again to certain inevitable limitations. We have no freedom to strike out a new line of our own contrary to the directions of the Government of India. Subject to those directions and limitations we have tried to be as humane as possible, but in trying to be humane we do not and indeed we cannot take into account the motive of a particular crime whether the motive is a political offence or not. Let me illustrate my point, namely, that within the power at our disposal and subject to limitations of the orders of the Government of India, the jail authorities tried to be humane. That sympathetic but at the same time firm and just officer, the late Col. Simpson who was killed the other day, some time before his death pressed Government that *bhadralok* prisoners in class III should be given certain privileges which we were allowed the authority to provide within the limitations imposed on us by the decision of the Government of India embodied in the Jail Code. For example, rule 100 of the Jail Code says that for the sake of the maintenance of health of the prisoner his diet can be changed. Col. Simpson's recommendation was that the diet of the *bhadralok* class prisoners—those who were used to a certain standard of life—whether they were guilty of forgery or murder or of political offence, should be allowed to have better quality of rice, that is, *saru chal* as we call in Bengal. On his recommendation too those prisoners were allowed to have *muri* or *chira* or similar food instead of *lapsi* as their morning meal. There were other similar suggestions. To that extent we could for the sake of the health of the prisoners make certain changes without in any way deviating from the Jail Code but we could not go very much beyond that as we, as a provincial Government, had no right to deviate from Jail Code particularly with regard to matters specifically settled by the Government of India. You may pass this resolution—you may do whatever you like, but we have no right to deviate from the Jail Code on a matter where that Code is based on such decision. Therefore, as I have already said, the proper forum for the discussion of this interesting question should have been the Legislative Assembly and not the Bengal Legislative Council. Even if you pass the resolution, it will not be binding on our Government, far less on the Government of India. You cannot reasonably expect the Government of India to take much notice of this resolution, for there are other provinces concerned.

Even if you go up to the Government of India with the recommendation contained in the resolution—and I may take the House into my confidence and inform the members that once we did write to the Government of India for changing the rules—the Government of India would naturally hesitate to change the rules only for the sake of one province without taking into consideration the advice, opinion and experience of other provinces. (Mr. NARENDRA KUMAR BASU: Why not?) I cannot answer for the Government of India. But, Sir, from my very limited experience and I dare say my friend opposite has much larger experience in the matter, I think it is not a very feasible proposition. (Mr. NARENDRA KUMAR BASU: You need not be sarcastic.) In any case I repeat again; I do not think it is a very feasible proposition. Certain allegations covering a large range were made about an alleged inconsistency in the classification of the prisoner. In my humble opinion arguments based on classification on the terms of the present resolution were merely arguments of prejudice—I would not say they are actually irrelevant or I would have raised a point of order—but they were more arguments of prejudice than really pertinent to the question which we are discussing to-day. Mr. P. Banerji gave the name of a certain prisoner, Dr. Sarat Chandra Mukherjee, L.M.S. He said that he was originally classified in division I. But later on he had a second conviction and after the second conviction he was placed in division III presumably by another court. If that be so, then it merely indicates that the courts on the two different occasions acted differently. It was open to the prisoner to appeal against his being placed in division III. If the prisoner had appealed giving particulars as to his social status and other relevant points, I am sure the anomaly would have been removed. But how could higher authorities in Jails Department remove these anomalies if the prisoners do not desire to remove them by placing materials before such authorities? We have to deal with a large number of prisoners, somewhere about 20,000, and of these at one time the political prisoners were about 5,000, but now they are very much less. Different courts in different parts of the province are making the preliminary classification with regard to this large number of prisoners. These different courts might have and in many cases have very different ideas. Some may be inclined to take too strict a view, others too lenient a view. But a good deal of these inconsistencies can be removed if the prisoner himself would bring his grievances to the notice of the higher authorities. In this connection I would like to draw the attention of the House to a very pertinent point, a point with regard to which I am glad to say there is unexpected agreement between Government and the mover, Maulvi Jalaluddin Hashemy, namely, that it would have been very much better if the superintendents of jails instead of the courts were allowed to be the preliminary classifying authority. I may tell the mover and other [illegible] of the House that that was precisely the suggestion of the

much abused and much criticised Government of Bengal. Some other provincial Governments, however, did not agree with this suggestion. It may interest the House to know that almost every non-official member who was then consulted objected to giving this preliminary power to the superintendents jails. It was because of this non-official opinion that the Government of Bengal had to give in and the Government of India ultimately accepted the proposal embodied in the present practice. Most of the non-official members who were consulted throughout India would not trust the superintendents of jails but urged that the preliminary classification should rest with the courts. I can well understand the suspicion of the non-official members with regard to jail superintendents. I do not for a moment say that this was not to be expected, but we realised then and I hope they realise now that this recommendation of theirs of the courts being the preliminary classifying authority has led to many difficulties and will continue to lead to such difficulties. Now a particular magistrate may, as in the case of Babu Surendra Nath Moitra who was a member of this House and who, it was said during the course of the debate, owns a motor car, classify that prisoner in class III. As I happened to know that prisoner personally and I knew he had a large practice in his district, it was possible for me to pass orders removing him from that class and placing him on a higher class. While another magistrate with regard to a boy who was perhaps arrested while picketing in a street and whose father although coming from a *bhadralok* class had a large family to maintain could not earn even 10 rupees a month, might think that such prisoner should be classified in division I. When these inconsistent decisions come to the notice of Government, we have to try to rectify these inconsistencies, but we are severely handicapped inasmuch as the prisoners very often do not give us the necessary particulars and materials. We tried to do the right thing according to our very limited understanding and according to some members of the House still more limited honesty. We decide according to our conviction and with whatever shred of honesty and conscience that are left to us, according to the views of some members of the House, the unfortunate members of Government and the unfortunate secretaries, but I can assure the House for whatever it may be worth that we honestly try to do the right thing on materials available to us. (A VOICE: Secretaries have more conscience). Naturally, according to you your countrymen must have less conscience than those who are not your countrymen. When these cases come up before Government, Government have to come to a decision. Sometimes Government have to promote and sometimes reduce the classification of prisoners. Therefore it is no argument to say that because the preliminary classification suggested by one court is inconsistent as compared with a particular prisoner who was so classified by another court, therefore Government is to be blamed. Nothing of the kind. If proper materials are placed before Government and if in spite of the

materials so placed the Government by its decision is guilty of inconsistencies, then Government can be justly criticised. But apart from that, as I said the other day and I repeat it to-day, I do not for a moment claim that the Deputy Secretary or myself or Mr. Ghose who was acting in my place were always infallible. But I do claim that in any case where proper materials were placed in an application, such materials were duly considered. There is another point arising from this matter to which I would like to refer. I am sometimes told by the members of this House that such and such prisoner is in class III, but another prisoner of a lesser social status is in class II or I. But, Sir, what can we do unless the prisoners themselves place materials before us where they are dissatisfied with the preliminary classification and the members of the House should remember that political prisoners are not the only prisoners we have to deal with and, therefore, we have to proceed according to certain methods and on definite materials. If a prisoner refuses to give us proper materials to show that he belongs to a particular social status and that he is entitled to such and such division, then it becomes very difficult and almost impossible for us to change this classification. I have often said to many members of this House that if a prisoner wants to change his classification he should come forward with an application giving definite particulars. We generally insist on this not in a spirit of vengeance, not because many political prisoners do not like to file application giving particulars but because we must insist on proper materials. Once we begin shifting prisoners from one class to another at the mere request of individual members of this House or of others without definite statements from the prisoner himself, we shall very soon bring jail administration into a position of very great difficulty. Whenever a prisoner makes an application stating his position in life, such application has to be considered and is always considered on its own merits. But perhaps there is a good reason why many political prisoners do not like filing such applications. As pointed out by Mr. J. L. Bannerjee the other day, many political prisoners do not want to change their classification because they know they have gone to jail to suffer for what they believe to be the true cause, but some of their self-constituted friends here and elsewhere sometimes desire to have their classification changed although they themselves do not so desire. In such cases the jail authorities cannot act against the wishes and opinion of the political prisoners themselves.

I do not want to take up the time of the Council any longer. Strictly speaking this resolution, after I have explained the constitutional position, hardly arises for the consideration of the House here and I would, therefore, suggest—although I know that my suggestion is not likely to be acceptable to Mr. Jalaluddin Hashemy, the mover of the resolution and the mover of the amendment will be well advised to

withdraw the motion. If they do not, I think I can appeal to the House with every confidence that the resolution and the amendment should be defeated.

Only one word more and I have done. I trust at any rate those members who voted against the grant of Re. 1 the other day, if they have any consistency should vote with me to-day.

The amendment of Mr. P. Banerji to the resolution of Maulvi Syed Jalaluddin Hashemy was then put and lost.

The motion of Maulvi Syed Jalaluddin Hashemy was then put and a division taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Bakeh, Maulvi Syed Majid.
Ballabh, Rai Bahadur Debendra Nath.
Banerji, Mr. P.
Bannerjee, Babu Jitendralal.
Basu, Mr. Narendra Kumar.
Chatterjee, Mr. S. C.
Chaudhuri, Babu Kishori Mohan.
Chaudhuri, Dr. Jogendra Chandra.
Chaudhuri, Maulvi Syed Osman Haider.
Choudhury, Maulvi Rural Abear.
Chowdhury, Maulvi Abdul Ghani.
Dutt, Rai Bahadur Dr. Haridhan.
Fazlullah, Maulvi Muhammad.
Ghose, Dr. Amulya Ratan.
Hakim, Maulvi Abdul.
Hashemy, Maulvi Syed Jalaluddin.
Hoque, Kazi Emdadul.
Hossain, Maulvi Muhammad.
Khan, Maulvi Tamizuddin.
Lal Muhammed, Haji.
Maiti, Mr. R.
Mookerjee, Mr. Syamaprasad.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Poddar, Mr. Ananda Mohan.
Poddar, Seth Hanuman Prasad.
Ray, Babu Khetter Mohan.
Ray, Mr. Shanti Shekhareswar.
Ray Chowdhury, Babu Satish Chandra.
Rout, Babu Hoseni.
Roy, Babu Haribansa.
Roy, Babu Satyendra Nath.
Roy Choudhuri, Babu Nem Chandra.
Salauddin, Mr. Khwaja.
Samad, Maulvi Abdus.
Sen Gupta, Dr. Naresh Chandra.
Shah, Maulvi Abdul Hamid.

NOES.

Bal, Babu Lalit Kumar.
Bal, Mr. Sarat Chandra.
Banerji, Rai Bahadur Keshab Chandra.
Barma, Rai Sahib Panchanan.
Bazir Uddin, Maulvi Mohammed.
Blandy, Mr. E. N.
Burral, Babu Gokul Chand.
Burn, Mr. H. H.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Clark, Mr. I. A.
Cohen, Mr. D. J.
Coppinger, Major-General W. V.
Cooper, Mr. C. G.
Dain, Mr. G. R.
Das, Babu Satyendra Kumar.
Das, Rai Bahadur Kamini Kumar.
Dash, Mr. A. J.
Eassen, Mr. G. A.
Faruqui, the Hon'ble Khan Bahadur K. G. M.
Fazulul, Mr. L. R.
Forrester, Mr. J. Campbell.
Ganguli, Rai Bahadur Sunil Kumar.
Ghaznavi, the Hon'ble Alhadj Sir Abdelkarim.
Gilchrist, Mr. R. N.
Goenka, Rai Bahadur Badridas.
Guha, Mr. P. N.
Gurner, Mr. C. W.
Hosain, Nawab Musharruf, Khan Bahadur.
Hussain, Maulvi Latafat.
Hutchings, Mr. R. H.
Kasem, Maulvi Abul.
Khan, Khan Sahib Maulvi Muazzam Ali.
Luke, Mr. H. R.
Marr, the Hon'ble Mr. A.
McCluskie, Mr. E. T.
Miller, Mr. C. C.
Mitter, the Hon'ble Sir Provash Chunder.
Nag, Mr. K. C.
Nag, Reverend S. A.
Nazimuddin, the Hon'ble Mr. Khwaja.
Norton, Mr. H. R.
Ormond, Mr. E. G.
Philpot, Mr. H. C. V.
Prentice, the Hon'ble Mr. W. D. R.
Rahman, Mr. A. F. M. Abdur-
Ray, Babu Nagendra Narayan.
Ray, Kumar Shib Shekhareswar.
Ray Chaudhuri, Mr. K. C.
Reid, Mr. R. N.

Roy, Babu Jitendra Nath.
Roy, Mr. Saileswar Singh.
Roy, the Hon'ble Mr. Bijoy Prasad Singh.
Saadatullah, Maulvi Muhammad.
Sarkar, Sir Jadunath.
Sarker, Rai Sahib Rebati Mohan.
Smith, Mr. R.
Stapleton, Mr. H. E.
Suhrawardy, Mr. H. S.
Sumner, Mr. C. R.
Thompson, Mr. W. H.
Travers, Mr. W. L.

The Ayes being 37 and the Noes 61, the motion was lost.

Election of Mr. Narendra Kumar Basu on the Court of the Indian Institute of Science at Bangalore.

Mr. PRESIDENT: Before I adjourn the Council till to-morrow I have to make an announcement. With reference to the election of a gentleman by the Bengal Legislative Council on the Court of the Indian Institute of Science at Bangalore, as only one member has been nominated, there will be no necessity to hold an election to-morrow in the manner indicated in the Secretary's circular Nos. 2368-2508L., dated the 9th February. It will save the time of members if I now announce the result of the election myself. I hereby declare Mr. Narendra Kumar Basu, the only gentleman nominated, as duly elected to the Court of the said Institute.

Adjournment.

The Council was then adjourned till 2-30 p.m., on Wednesday, the 18th February, 1931, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Council House, Calcutta, on Wednesday, the 18th February, 1931, at 2-30 p.m.

Present:

Mr. President (the Hon'ble Raja Sir MANMATHA NATH RAY CHAUDHURI, KT., of Santósh), in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 118 nominated and elected members.

Starred Question

(to which oral answer was given).

Additional jail expenditure.

*38. **Maulvi SYED JALALUDDIN HASHEMY:** Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to lay on the table a statement showing the additional expenditure incurred up to date for the purpose of accommodating prisoners admitted to jail for offences connected with the civil disobedience movement, in the different districts of Bengal?

MEMBER in charge of POLITICAL (JAILS) DEPARTMENT (the Hon'ble Sir Provash Chunder Mitter): On the provision of additional accommodation in jails the expenditure up to December, 1930, was Rs. 3,93,891 against estimates amounting to Rs. 6,21,755.

For maintenance and guarding no separate accounts are maintained to show the expenditure on the class of prisoner mentioned in the question, but the abnormal expenditure on this account is estimated at between Rs. 6 and 6½ lakhs.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to state what is the normal expenditure on maintenance account?

The Hon'ble Sir PROVASH CHUNDER MITTER: I must ask for notice.

Unstarred Questions

(answers to which were laid on the table).

Cases placed before Public Services Commission.

58. Mr. SHANTI SHEKHARESWAR ROY: Will the Hon'ble Member in charge of the Appointment Department be pleased to lay on the table a statement giving details of cases, from Bengal, placed before the Public Services Commission for action during 1930?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Mr. W. D. R. Prentice): A list of the cases referred to is given below.

(*1*) Confirmation of officers in listed posts in the grade of Magistrates and Collectors;

(*2*) confirmation of officers in listed posts in the grade of District and Sessions Judges;

(*3*) appointment of a Deputy Superintendent of Police to the Indian Police Service in the rank of Superintendent of Police;

(*4*) appointment of a Professor of Tropical Medicine and Hygiene and Director of the School of Tropical Medicine;

(*5*) removal of an Imperial Service officer from service.

Agricultural School at Chinsura.

59. Rai Bahadur SATISH CHANDRA MUKHERJI: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state whether the lease granted to the Calcutta Technological Institute in respect of the Agricultural School, lands and premises at Chinsura will shortly expire?

(*b*) If the answer to (*a*) is in the affirmative, will the Honble Minister be pleased to state whether it is in the contemplation of the Government to grant a fresh lease to the said Institute?

(*c*) If not, will the Hon'ble Minister be pleased to state whether there are any other schemes before Government for utilising the said school building and lands?

(*d*) Is the Hon'ble Minister aware that in West Bengal there is no other school for imparting agricultural education except the school at Chinsura?

(*e*) Are the Government considering the desirability of utilising the said school premises and lands for the original purpose, i.e., for a school?

(*f*) Will the Hon'ble Minister be pleased to state whether it is the intention of the Government to open an Agricultural School at Chinsura?

(*g*) If the answer to (*f*) is in the negative, are the Government considering the desirability of making arrangements with other persons or bodies for starting such a school at Chinsura?

(*h*) Is the Hon'ble Minister aware that a Committee with Mr. S. N. Mallik, C.I.E., as President, has been formed to take lease of the said school and lands for starting an Agricultural School in West Bengal?

(*i*) Have the Government received any proposal for lease of the Chinsura School premises and lands to the aforesaid Committee?

(*j*) If so, what decision, if any, has been arrived at in the matter?

(*k*) Is there any difficulty or objection in granting the said lease to the said Committee?

MINISTER in charge of AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Khan Bahadur K. G. M. Faroqui): (*a*) Yes, on 27th April, 1931.

(*b*) No.

(*c*) Yes.

(*d*) There is no other school in Western Bengal for imparting purely agricultural education. But certain high English and middle English schools have participated in a scheme for the introduction of agricultural classes and have had their teachers trained for the purpose at the Dacca Agricultural School. A list of such schools is placed on the library table.

(*e*) and (*f*) A scheme of this nature is under contemplation, but no decision has yet been arrived at.

(*g*) The question does not arise.

(*h*) Yes.

(*i*) to (*k*) Yes, a preliminary application has been received, but no formal proposal or definite scheme formulated by the Committee has yet been received.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Minister be pleased to state how many agricultural schools have been established in Dacca.

The Hon'ble Khan Bahadur K. G. M. FAROQUI: I want notice of this.

RESOLUTIONS

(on matters of general public interest).

Appointment of four Ministers and fixing their salaries.

Mr. PRESIDENT: Before I call upon Rai Bahadur Dr. Haridhan Dutt to move his resolution, I should very much like him to state as to what are the general issues involved in his resolution. That will be a great help to me in regulating the debate. I would also like the mover of the resolution to lay down the real object which is at the back of his mind.

Rai Bahadur Dr. HARIDHAN DUTT: I beg to move that this Council recommends to the Government that proposals be placed before the Legislative Council with a view to alter the pay of the Ministers to Rs. 4,000 per month, and that it be recommended to His Excellency the Governor that up to four Ministers be appointed within the budget provision of Rs. 1,92,000.

Sir, this resolution raises two points, namely, the number of Ministers and their pay and I propose to divide my arguments accordingly. At the outset I must tell the House that nothing is furthest from my idea than to make it a motion of want of confidence against the present body of Ministers. We may differ in our opinion about the fitness and abilities of the gentlemen now occupying the honourable position of Ministers but at present I have nothing to do with their personalities. I request my colleagues to consider my proposal from an abstract point of view quite dissociated from the merits and demerits of any particular person. As the wording of my resolution has been wrongly interpreted by some as a reflection on the Hon'ble Ministers I hasten to remove that misunderstanding.

Mr. PRESIDENT: Does the first part of your resolution depend on the second part?

Rai Bahadur Dr. HARIDHAN DUTT: I have already said that my motion consists of two parts, the number of Ministers and their pay.

Mr. PRESIDENT: Then I take it that whether there be any increase in the number of Ministers or not, you would like to cut down their pay.

Rai Bahadur Dr. HARIDHAN DUTT: At the present moment I am not inclined to. I have already removed the misunderstanding that may arise. I am one of those who believe in the usefulness and importance of the institution of Ministers in a responsible representative Government. I believe Bengal has lost and the interest of my countrymen has partially suffered owing to want of stable ministry during the last few years. Constant change of Ministers and their unstability during that time are well known to this House. While some provinces utilised fully whatever benefits the Montagu-Chelmsford Reforms made available to the people of India, Bengal sullenly tried to put obstacles in that way. The Swarajists may have had big victories in their career of destruction but that their achievements ultimately produced more harm than good so far as the ministry is concerned should be admitted. The absence of stable ministry during the major part of the last decade in Bengal contributed no little to our loss and backwardness. It has been admitted even by unwilling critics that some provinces made appreciable advance towards representative Government while Bengal lost valuable opportunities.

I am not in a position to go into details, but I will place four points on which I have obtained information before the House. The late Sir Surendra Nath Banerjea, of revered memory, tried to secure, some time ago, posts for the sons of the soil from the medical profession in Bengal. That matter could not be carried on simply because there was no ministry to carry on the good work.

Then the Bengal Municipal Act of 1884 and the Bengal Local Self-Government Act of 1885 were both old and obsolete but they could not be taken up for amendment. Although it was universally decided that these Acts required revision as change of ministry was constantly going on in the last 10 years, nothing could be done. Then there was a very comprehensive scheme to combat malaria to be taken up by the Ministers. Some of my friends have said that the Ministers have neglected their duty; I say "No." The Ministers have had no time to take up schemes. Then there is the rural water-supply scheme; the same thing has happened, there has been a constant change of Ministers and little has been done in that direction.

Since last year a change has come on the Council. Good many constitutionists willing to co-operate with the Council and agreeable to the appointment of Ministers have now come in. To us it is clear that the ministry is the only means of effective connection between the executive Government and the people and naturally we are anxious to make the position of Ministers stable and productive of good to the country. In short, this is my purpose in putting this resolution before the House. The fall of ministry in Bengal has very often been brought about by the rivalry among the members and groups of members of this Council. That rivalry will be very much minimised, if not

altogether removed, if the different interests and sections of the House get representation in the ministry. The House consists of two most important divisions, viz., Muhammadans and non-Muhammadans, almost in equal numbers. To me it seems fair and equitable that there should be equal representation of the two divisions in the formation of the ministry. Formerly when there were two non-Muhammadan Ministers and one Muhammadan Minister there were whispers of communal jealousy and now that that has been reversed and there is one non-Muhammadan and two Muhammadan Ministers I cannot deny the existence of the same feeling at present. I am not at all disposed to take my stand on communal ground but I cannot ignore what are facts quite clear and patent to all. Then, again, if we analyse the composition of this House we shall find the members represent different interests in the country. It may not be possible to have representatives of all those different interests included in the ministry but if the number of Ministers be increased it may be, by judicious selection, possible to allow chances to the important interests concerned. In any case the jealousy or whatever feeling now exists between the Muhammadans and non-Muhammadans will disappear if equal number of seats are given to the two divisions.

It may be argued that there is not enough work for four persons. Indeed Mr. P. Banerji has already notified for two Ministers. No doubt such arguments will hold good if the Ministers' duties consisted of routine work of administration only. But in this connection several important points have to be borne in mind. The Ministers have to perform not simply the routine duties but have to perform the exacting parliamentary duties as well. For their continuance in office as well as for carrying on the duties of their departments they have to depend upon the vote of the Legislative Council and it is a very important part of their duties to persuade the House and to carry it along with them at every step of their work as well as to keep themselves in touch with it. It also ought to be part of the duties of the Ministers to go round the country to stir up the people and persuade them of the necessity and utility of their measures. Otherwise they cannot create that atmosphere of public opinion in their support which in the ultimate result must be the mainstay for the stability of the ministry. This part of the work has been grievously neglected in the past, partly from the paucity of Ministers and partly from the insecure tenure of ministerial power owing to the hostility of the Swarajists. One of these causes being removed now it is time that a beginning should be made in this important branch of ministerial duties.

It must be admitted by all that the administrative duties of the transferred departments are very far from being of a mechanical routine nature. Take Education, Sanitation, Agriculture and Industry. These have been rightly called the nation-building departments. In

each of these departments there is field for unlimited amount of work and enthusiasm. Mere signing of routine orders will not be sufficient for them. Policies have to be thought out, plans formed, money raised and great utility works set afoot. All these will require incessant application and concentrated thought, if Ministers are to justify their existence, and four is not certainly an excessive number if the Ministers take their work seriously. In fact if reduction of the size of the Cabinet is considered necessary it is in the Executive Councillors whose number may be reduced.

If I have been able to impress upon my colleagues the desirability of having four Ministers it is necessary to explain how I propose to have that effected. In my resolution I have suggested Rs. 4,000 per month as pay of an individual Minister. This, if accepted, will easily enable the Council to employ four Ministers within the amount of Rs. 1,92,000, which is ordinarily budgeted for payment to Ministers, and there would be no extra imposition upon the public fund. It has been suggested that this will mean reduction of pay and consequent lowering of status of the Ministers. I admit that this will mean lower pay but I refuse to admit that the status of a Minister will be hurt by such a course. Sir, status is not dependent upon the amount of salary. Need I remind this House that the President of this Council getting Rs. 3,000 per month enjoys a status and a place in our estimation certainly higher than that enjoyed by any of the Hon'ble Members of the ministry. Is a High Court Judge receiving only Rs. 4,000 per month considered to be lower in status than a Minster by the people of Bengal? Certainly not. Status and prestige depend upon many things—least of which is pay.

Many a time the question of Ministers' pay had been discussed in detail in this House and we need not rake up that controversy. Suffice it to say that the insistence of same pay with the Executive Councillors appeals only to those who cannot appreciate the existing difference. The Executive Councillors are I.C.S. men imported from————(cries of "No. No."). Some of the Executive Councillors are men imported from a far distant country. They have come here for the purpose of a career and prospects in life and cannot be blamed if they offered their services to the highest bidder. But what of the Ministers? Are they not our kith and kin—sons of the soil and bent on service for our motherland? How hollow is the argument of those who say that when we cannot lower the pay of the Executive Councillors we must thrust the same pay upon our Ministers.

Who can deny that our administration is top-heavy? In the Swaraj Government to come, the wide gulf of difference in the pay of officers in Government service must be narrowed as far as possible. I have suggested the pay of a Minister to be Rs. 4,000 a month. That ought to be considered quite adequate to meet all his wants and maintain him

in position and prestige. We must remember that Ministers are recruited only from the elected members of this House and those who submit themselves for election by the people are committed to service to their motherland. If any such person be bent on making money there are other fields for him. Certainly one pledged to serve his country should not amass a fortune by his service to his fellow countrymen. Such an idea is sure to meet contempt and ridicule.

Sir, I have explained to the House what induced me to bring this motion. I request my colleagues who have come forward with amendments not to introduce any such matter in the coming discussion as may cloud the issues which I have placed before the Council. Before I resume my seat I once more say that I mean no reflection on any of the Ministers.

Mr. PRESIDENT: I will take up the amendments now and have one discussion on all of them including the resolution; but, before I do that I should ask Rai Bahadur Dr. Haridhan Dutt once again to state, as clearly as possible, as to whether he intends to reduce the pay of the Ministers even if four Ministers are not appointed. That is a very important point which I would like him to make clear, so that I may regulate the debate within proper bounds.

Rai Bahadur Dr. HARIDHAN DUTT: I have already said what I meant.

Mr. PRESIDENT: At the outset you were undoubtedly explicit; but, latterly you allowed mist to gather round you. (Laughter).

Rai Bahadur Dr. HARIDHAN DUTT: In reply to your query, I will stick to Rs. 4,000.

Mr. PRESIDENT: Irrespective of the number of Ministers?

Rai Bahadur Dr. HARIDHAN DUTT: (No reply).

Mr. PRESIDENT: I must then divide the resolution into two parts. I should like to know what Dr. Naresh Chandra Sen Gupta would say if I hold that the second part of his amendment has the effect of a negative vote in respect of the second part of the resolution and should, therefore, be left out.

Dr. NARESH CHANDRA SEN GUPTA: With regard to the second part, yes.

Mr. PRESIDENT: I allow you to move your amendment without its second part. I suppose you are going to do that.

Dr. NARESH CHANDRA SEN GUPTA: I do not want to dispute that. I will move it with the exception of that part.

I beg to move, by way of amendment, that in the motion of Rai Bahadur Dr. Haridhan Dutt, line 3, for the figures "4,000" the figures "3,000" be substituted.

I would like to make it clear that whatever my views may be with regard to this question this is not meant to cast any aspersion on the Ministers; the proposed reduction of pay is not meant as a vote of no-confidence but it is purely on economic grounds. For that I submit that the reasons are overwhelming. The first reason is that having regard to the finances of the country it is not possible for us, it will be an act of robbery, to pay our Ministers more than Rs. 3,000 a month. It is true that there are the Executive Councillors whose salaries are much higher but their salaries are not under our control.

3 p.m.

Well, that does not take away the force of the undoubted fact that having regard to the financial position of Bengal the salary which is now paid to the Members of the Executive Council and the Ministers is cruelly high. It means taking away so much money from the taxpayers and paying it to these gentlemen. Now the fact that so far as the case of half the executive is concerned we cannot touch their salary does not affect in any way the question as to what salary should be paid to the other half. Sir, it has been said that the difference in the salary of the Executive Councillors and the Ministers would mean a loss of status. That has been disposed of by the arguments adduced by Dr. Dutt. On the contrary I think that it will have a great moral effect if the Ministers themselves come forward, as I should have expected them to come forward long before, to accept a motion of this character, as it will bring home to the Members of the Executive Council and to the whole world the shame of taking these high salaries out of the pockets of the poor Bengali taxpayers. Now, Sir, that may be a very strong expression, but if we compare the salaries paid to Ministers in other parts of the world— — —

The Hon'ble Mr. W. D. R. PRENTICE: May I with your permission intervene for a minute? It might save the time of the House considerably if you will kindly allow me to explain the legal position. We are familiar with the remarks which Dr. Sen Gupta has made and they are likely to be repeated later on if the position is not cleared up now. Under section 52 of the Government of India Act there may be paid to any Minister so appointed in any province the same salary as is payable to a Member of the Executive Council in that province, unless a smaller salary is provided by vote of the Legislative Council of the province. We are to-day dealing with a resolution as regards the

number of Ministers and their salary, and even if this resolution is carried, it will in no way whatever avail to alter the Ministers' salary. For it will only be a recommendation and not such a vote of the Council as is required by the Act. That vote can be given during the budget discussion and so the whole thing will come up when the demand for Ministers' salaries is under discussion. These speeches and amendments may be brought forward at that time, and I suggest that it is a mere waste of time to discuss the matter now.

Rai Bahadur Dr. HARIDHAN DUTT: (Inaudible in the Reporters' gallery).

Mr. PRESIDENT: What Mr. Prentice suggests is that so far as the salaries of Ministers are concerned, this resolution, if carried, will not be binding on anybody. That is perfectly true and clear. But there is another issue involved in the resolution which is entirely distinct and is not covered by what Mr. Prentice has said, although I can very well anticipate what he will say with regard to that.

The Hon'ble Mr. W. D. R. PRENTICE: May I point out the legal position, Sir? It may save the time of the House. Under section 52 (*1*) of the Government of India Act it is entirely the function of the Governor to appoint Ministers, and not of the Government which means the Governor in Council or the Governor acting with his Ministers. All I can say is that the remarks made in the course of the debate to-day will be communicated to His Excellency for such action as he might wish to take.

Mr. B. C. CHATTERJEE: That is the whole object of the debate.

Maulvi TAMIZUDDIN KHAN: On a point of order, Sir. Dr. Dutt has asked the permission of the House to withdraw his motion————

Mr. PRESIDENT: Dr. Sen Gupta is now in possession of the House and I allowed Mr. Prentice to intervene so that he may explain the legal position.

The Hon'ble Mr. W. D. R. PRENTICE: May I ask whether Dr. Dutt cannot be allowed to withdraw the first part of his motion, leaving the second part for discussion?

Maulvi ABUL KASEM: After what has been stated by the Hon'ble Mr. Prentice, I want your ruling whether the resolution as it stands, inclusive of parts I and II, and the amendment of Dr. Naresh Chandra Sen Gupta, should be allowed to be discussed?

Mr. PRESIDENT: Why not? The Hon'ble Mr. Prentice could not have meant that this resolution could not be at all brought before the House and discussed. He wanted the House to realise the legal position, and if in spite of what has fallen from his lips, the mover wants to proceed with the resolution there is nothing to prevent him from doing so.

Mr. SHANTI SHEKHARESWAR RAY: On a point of order, Sir. I want to know whether this resolution was put before His Excellency because I find that under the rules His Excellency has authority to disallow any motion.

Mr. PRESIDENT: That is more than what I can say. I may tell the House that Dr. Dutt can withdraw his resolution, if he likes, by leave of the House; but Dr. Sen Gupta can insist on his amendment being discussed as a substantive motion. In any case, the proper time for Dr. Dutt to withdraw will be after Dr. Sen Gupta resumes his seat.

Dr. NARESH CHANDRA SEN GUPTA: Sir, I do not want to draw the attention of House to the salaries which are paid to Ministers in different countries, but I shall mention the case of England, which is one of the richest countries in the world, where the income of private individuals is so high that it cannot bear any comparison with the income of private individuals here. England with her budgeted income of £739 millions, which comes to about Rs. 1,000 crores, pays her Cabinet Ministers between £2,000 and £5,000 a year, excluding the Lord Chancellor, who gets £10,000 a year. Now, Sir, the Lord Chancellor or the Attorney-General or the Solicitor-General gets a high salary for very excellent reasons, because it is necessary to attract to these posts leading lawyers, and the income of the leading lawyers in England greatly exceeds the salary of the Lord Chancellor. Leaving aside the salary of the Lord Chancellor, the salaries of the Cabinet Ministers range from £2,000 to £5,000 and the salaries of all Ministers not on the Cabinet range from £1,200 to £2,500. And this in a country where the personal incomes of individuals, as I have said, can bear no comparison with those of private individuals here and the total budget income of which is Rs. 1,000 crores, as against our income of about Rs. 12 crores. Now, Sir, if this is the position there, is there any justification for us to pay this huge salary to our Ministers when we are not in a position to realise from them the essential services which the subject is entitled to get from Government in return for taxes paid by him. Sir, I believe it will be admitted by all that the first function of Government is to serve the people and the first object of taxation is to return it to the people in services, but a top-heavy administration like ours deprives the people of the services which they are entitled to get out of it.

Well, it is possible that if the salaries of the Ministers be reduced, as I have suggested, the savings will not be such as to enable Government to render any essential service to the people, but at any rate it will give some indication that those at the top, realising that the people are deprived of essential services, do not themselves take these fabulous salaries.

Sir, it has been said that Rs. 3,000 is far too small to maintain a Minister in proper style. Now, Sir, I am a poor man and I am not in a position to say anything about style, but I do not feel that Rs. 3,000 is a small income. There may be members in this House to whom Rs. 3,000 would be an impossible income to live on, but I can tell the House that I know of one gentleman whose monthly income is somewhere near Rs. 60,000—he is not in this House—and who is still hopelessly in debt. I hope Mr. Prentice will be able to hit upon the gentleman, because he is dealing with his case. If you fix the pay of the Ministers at Rs. 3,000 a month, as I have suggested, they will not feel the pinch of poverty. After all are they there to maintain their style and position, or are they there to render service to the people? If they are there to render service, then the maintenance of style and position ought to be the last consideration with them. They may dress themselves if need be in the meanest of clothes, they may take the meanest of food, if necessary, but I do not want them to do so. Rupees 3,000 per month does not mean starvation or going out in rags.

3-15 p.m.

I think that a salary of Rs. 3,000 for the Ministers would be quite adequate. So far as the present ministry is concerned and so far as the ministeries of the past are concerned, with one exception I may say they have been recruited from the zamindar class. A mere commoner has no chance of becoming a Minister having regard to the fact that the Ministers whom the Governor has called upon to shoulder the responsibility have been drawn from the zamindars. I take this as an act of charity and charity on receipt of Rs. 3,000 a month is not much to the zamindars.

There is another question to which I would draw the attention of the House. We are not in a position to say now what is the present financial position of the Government of Bengal. It cannot be very prosperous. We know that the financial position of the people of Bengal is well-nigh desperate. There have been other countries which have been feeling this stress of financial crisis, and what have the other countries done? Day after day we are receiving telegrams from different countries that they are cutting down the salaries of their Cabinet Ministers. I do not know whether the Hon'ble Mr. Marr will suggest any reduction in the budget for next year; I suppose he will. If there is a question of reduction. I think reduction, like charity, must

begin at home. You must begin by reducing the huge salaries at the top if you want to let the axe fall on the departments lower down. There is no other way. I think that if there is any question of financial stress being felt, the question which can only be solved by reductions, the Ministers themselves ought to come forward with an offer of reduction of their salaries side by side, before there is any proposal for reduction of the salary of any Imperial service officer or of any Government servant or any form of reduction whatsoever. Apart from the question of reduction, the effect of the situation is that at the present moment the people of Bengal, other than those who have fixed income like the Government servants, are suffering very much, they are feeling the pinch of poverty. When the condition of the country is like this, it does not seem fit that the rulers of the country, persons who hold the position of the rulers of the country should continue to draw fat salaries without any reduction. In my opinion the Ministers themselves should have come forward to make this sacrifice, even though it be only as a temporary measure. Apart from that, I say Rs. 3,000 a month is as high a salary as the finances of Bengal can afford to pay.

Rai Bahadur Dr. HARIDHAN DUTT: Sir, after having heard what the Hon'ble Mr. Prentice has said, I beg leave of the House to withdraw the resolution.

Mr. PRESIDENT: Leave has been asked for———

Maulvi ABUL KASEM: I wanted to speak, Sir———

Mr. PRESIDENT: Maulvi Abul Kasem, I may tell you that you should not rise in your place when I am addressing the House. It is a serious breach of parliamentary etiquette. I hope you will remember this.

(On leave being refused to withdraw the resolution the discussion continued.)

Mr. PRESIDENT: With regard to the next amendment, the ruling that I have already given washes it out altogether.

The amendment was as follows:—

Mr. SHANTI SHEKHARESWAR RAY to move, by way of amendment, that in motion of Rai Bahadur Dr. Haridhan Dutt, lines 4 to 6, the words "and that it be recommended to His Excellency the Governor that up to four Ministers be appointed within the budget provision of Rs. 1,92,000" be deleted.

Mr. PRESIDENT: I now call upon Mr. B. C. Chatterjee to move his amendment.

Mr. B. C. CHATTERJEE: I beg to move, by way of amendment, that motion of Rai Bahadur Dr. Haridhan Dutt do take the following form:—

"This Council recommends to the Government that it be recommended to His Excellency the Governor that four Ministers be appointed within a Budget provision of Rs. 1,92,000."

Sir, the amendment which I have proposed symbolises a political faith I and my colleagues on this side of the House cherish very earnestly. I am one of those who think that the only way for the Hindus and Muhammadans to work on a unifed political platform for the common benefit of our motherland would be by so ordering matters as to place Hindus and Muhammadans in the same advantage and same disadvantage; that is to say, no Hindu shall claim for his own community any advantage which he is not willing to extend to the Muhammadans, nor shall any Muhammadan claim any advantage which he is not prepared to extend to the Hindus.

Khan Bahadur Maulvi AZIZUL HAQUE: Then let them both have a majority in the Council.

Mr. B. C. CHATTERJEE: My friend Mr. Haque is a distinguished lawyer, but having been in Government service for some time he has lost his power of thinking.

Mr. PRESIDENT: Order, order.

Mr. B. C. CHATTERJEE: I ask everyone of my Muhammadan brothers as well as my Hindu brothers to recognise the reality that no amount of squabbling and differing will serve any useful purpose. We should agree that none of us shall claim any advantage over those of the other community. I think it is an anomaly that on the ministry we should have a majority either of Hindus or of Muhammadans. They should be equal in number. This would set an example which I hope will be followed all down the line, so that whenever possible Hindus and Muhammadans shall participate in equal shares in all the offices under Government. I look forward to the day when we will have the same number of representatives in this Council on the basis of a joint electorate; and it is with a view to initiating this doctrine of equal division that I have brought forward this resolution.

I know that at the time of the late Sir Surendra Nath Banerjea when there were two Hindu and one Muhammadan Ministers, the same anomaly existed, and if I had had the privilege of being in this Council then, I would have certainly moved for one more Muhammadan Minister. Thus and thus alone could we unite and do something for our common advantage. My friend, Dr. Haridhan Dutt, got rather frightened on hearing the speech of the Hon'ble Mr. Prentice; I do not know why. We know that this resolution, if ever accepted by this House, cannot increase the number of Ministers. But this is an intimation that we are going to give to His Excellency the Governor that in the next arrangement of things he might appoint two Hindu and two Muhammadan Ministers instead of two Muhammadan and one Hindu Minister; and in order to lay aside all criticisms regarding extravagant recommendations being made by us, we are also telling him that he might within the same budget provision which exists now have four Ministers instead of three. I am fortified in this recommendation by the fact that I know that each one of the present three Ministers who are my friends and for whom I have much respect will be equal to the sacrifice which will be involved in four Ministers being appointed within the budget provision of Rs. 1,92,000. I am sure every one of them will readily accept Rs. 4,000 instead of Rs. 5,000 and odd. I have no doubt about that. I am absolutely confident of the patriotism of all of them. Therefore I submit that the discussion of this resolution will not be fruitless, as the Hon'ble Mr. Prentice has already said. We know that the only person who can regulate this matter is His Excellency the Governor, and therefore we should give him an intimation in time of what we should like him to do next year.

The only other matter to which I should like to refer is that raised by Mr. Sen Gupta, that is, the question whether the salary of the Ministers should be fixed at Rs. 3,000 or Rs. 4,000. I do not think that is the essential question. The essential question is that the Hindus and Muhammadans should have an equal number of Ministers. That is the question before the House, and I hope on this question the House will unanimously come to a decision in favour of my amendment. I appeal to my Muhammadan friends not to disappoint us in this respect, because I know that in their heart of hearts they would like nothing better than to see the Muhammadans in a position of equality with the Hindus. That being so, I appeal to them not to listen to any other voice, but to come with us, the Hindus, into the same lobby. I appeal to the non-official European members either to come with us or remain neutral, but not to vote with Government in a mechanical way. So far as I can see, this is not a matter in which Government is interested and I do not suppose Government will vote on this motion. I hope my European friends will either observe strict neutrality or come along with us in the same lobby.

Mr. PRESIDENT: I disallow the next amendment standing in the name of Munindra Deb Rai Mahasai, under section 38 (2) of the Legislative Council Rules as it appears to me to be frivolous.

Mr. P. BANERJI: I beg to move, by way of amendment, that in motion of Rai Bahadur Dr. Haridhan Dutt—

(i) in line 5, for the words "four Ministers" the words "two Ministers" be substituted; and

(ii) that in the last line, for the figures "1,92,000" the figures "96,000" be substituted.

The first part suggests that instead of four Ministers there should be two Ministers. Somebody suggests that there should be one Minister. Yes, we can do with one Minister and I was tempted to move for one Minister. We all know that all these departments have been run without Ministers and it does not matter much whether we have any Ministers or not, but in order to make my proposal a modest one, I have suggested the appointment of two Ministers for the present.

At present there is not sufficient work to be done by the three Ministers. Sir, times without number questions have been asked in this House even when the Swarajists were here (A VOICE: You are a Swarajist). No, I was not a Swarajist. I defeated the Swarajists. As I was saying, time without number questions have been asked by the Swarajists and even by members who have entered the Council by a mere fluke after the Swarajists left it———

Mr. PRESIDENT: We have nothing to do with the Swarajists at the present moment and I take the strongest possible exception to your remarks that some members of this Council have come here by a fluke. I must ask you to withdraw that statement of yours.

Mr. P. BANERJI: I withdraw what I have said, but I say that the question would not have arisen at all if the mover of the resolution had not brought this into the discussion. Sir, it has been found from answers put by members that there is not sufficient work for Ministers and they are merely so many signing officials. Every work is done by assistants and Secretaries who are all I. C. S. men. Therefore I strongly say that there is no justification for so many Ministers. It will be seen therefore that my amendment is a very simple one.

My second item is for the reduction of the salaries of the Ministers. I have suggested a reduction of 50 per cent. It has been said that the administration is top-heavy and on account of the economic crisis and there being a deficit of Rs. 50 lakhs as pointed out by His

Excellency the other day and also in view of the fact that Government is making reduction in various other departments, I suggest that their salary should be reduced by 50 per cent. I think this suggestion of mine is a very reasonable one.

It has been suggested by previous speakers that the Ministers being recruited from the landed aristocracy should take a very small salary. I think they can do without salaries. They are elected members of the Council and they have come here to serve their motherland. However, as they are doing some work, I suggest that they may be paid according to the work they do. With these words, I commend my amendment to the House.

Mr. PRESIDENT: Before I allow a general discussion on the question now before the House, I should like to lay down certain limitations beyond which no member should carry the debate. Besides, at the very outset let me ask the House to remember that the members who have initiated the debate were allowed to raise certain definite points and so the general discussion must centre round those points. I better enumerate them one by one:—

(1) Will the proposals which the House has been asked to consider contribute towards the stability of the ministry?

(2) Is the quantity of work which each Minister has got to do too light or too heavy?

(3) Should the number of Ministers be increased or decreased?

(4) Should the salary of existing Ministers be cut down on economic grounds?

(5) Whether there should be an equal number of Hindus and Muhammadans in the ministry?

I hope members speaking on the subject will bear these points in mind and confine themselves chiefly to those points.

Reverend B. A. NAG: One of the most refreshing speeches that we have had the pleasure of listening to was that by Mr. J. N. Basu in commending the resolutions of Mr. S. M. Bose and Mr. J. N. Gupta. Inspired by the proceedings of the Hound Table Conference, he came here and gave us his views on communalism in a way that stirred us to our very depths; and if I conld correctly judge, our Muhammadan friends too. Probably we are reconciled to their attitude towards the Hindu-Moslem problem. But to-day we have had disappointment and sorrow from members of the same party in the form of a resolution and some of the amendments which are unmistakably nothing but extremely communal. Sir, this is an occasion when we ought to go into this matter very seriously. If this resolution was on the ground

of economy, I feel sure if these three Ministers, who represent the members of this Council, were asked to agree to Rs. 4,000 each, there would have been no need for this resolution being discussed in this Council. The proper course would have been for the members to suggest and offer it to the Ministers as their considered opinion. But that is not the view represented. The view is not Rs. 4,000, but the four Ministers, which is an out and out communal question.

Mr. PRESIDENT: I am afraid your remarks are a bit sweeping.

Reverend B. A. NAG: I was referring to some amendments, Sir, and not to all amendments. Had Dr. Naresh Chandra Sen Gupta moved his amendment on the ground of economy, I could have followed him. But he was comparing the Hon'ble Ministers with the Judges of the High Court who are permanent officials, whereas our Ministers are here to-day and to-morrow they may be nowhere. (Dr. NARESH CHANDRA SEN GUPTA: I never spoke of the High Court Judges.) Probably not. Comparison has been made with permanent officers and with Ministers in England where, by the traditions of Parliament, they have a certain amount of stability which our Ministers unfortunately have not here. But the greatest difficulty in connection with the idea of economy is here. If you reduce the salaries of the Ministers, I am afraid it will gradually be assumed that the Ministers should be chosen from among rich zamindars, retired lawyers, retired doctors who have made their fortunes and can afford simply to accept pocket money. (A VOICE: And not Pastors?) It will be difficult for Pastors. They are poor people. They could not give up their own position for the sake of Rs. 4,000 or less and then within a month's time—ever uncertain as the ministry is—their position is gone—their means of earning is gone and they have to begin their life again. Sir, if the Council had treated the Bengal Ministers with a certain amount of respect and confidence, probably such amendments bearing economy might have been quite in order. Has it been suggested that there should be four Ministers, because the work is very heavy? No, one of the movers of the amendments has said that, when there were no Ministers, the work went on as smoothly and splendidly as at present. The real basis is—and Mr. B. C. Chatterjee has made no secret of it—that the object of the amendment is communal. May I read Mr. Chatterjee's amendment? It runs thus: "This Council recommends to the Government that it be recommended to His Excellency the Governor that four Ministers be appointed within a budget provision of Rs. 1,92,000." Sir, I would like to ask my friend, Mr. Chatterjee, that if His Excellency is pleased to appoint three Muhammadan Ministers and one Hindu Minister, would he be pleased? If His Excellency is pleased to appoint a European as the fourth

Minister, would he be pleased? My friend, Mr. Chatterjee, wants that there should be an equal number of Hindus and Muhammadans in the ministry. Sir, I ask and ask you in all seriousness: Is not that communal? Most communal I should think! Now, Sir, this is the occasion, after the Round Table Conference, for the big brother —the Hindus—to demonstrate to his Muhammadan brethren that they have no communal feeling.

3-45 p.m.

Three of our colleagues of this Council are Ministers and unless we learn to look upon them as colleagues apart from their religion we are thinking communally, and this communal spirit will go on. Mr. B. C. Chatterjee's idea that the communal feeling will vanish as soon as there are two Muhammadan Ministers and two Hindu Ministers will be found to be absolutely groundless. It will be something like the Armed Peace of Europe. Every body is preparing for war but they cannot fight because they have not the strength to fight. What I want to say now is that we do not care whether the Ministers are Muhammadans or Hindus; the fact that they are our colleagues is quite sufficient. When that is done there will be some hope that the communal problem which may wreck all that Mr. Ramsay MacDonald has been trying to do will be solved. I hope there is none so communal among us as to vote for either the resolution of Dr. Haridhan Dutt or Mr. B. C. Chatterjee's amendment. Let us try to show that we are above this communal spirit just as the Muhammadans did when the late Sir Surendra Nath Banerjea and Sir P. C. Mitter were the two Hindu Ministers and there was only one Muhammadan Minister. In those days no such question arose. Let the big brother rise to the occasion and say that we do not want to raise any such question whatsoever now.

Mr. NARENDRA KUMAR BASU: I beg to support the amendment moved by Dr. Naresh Chandra Sen Gupta. I may say at the very beginning that as to the resolution moved by Dr. Haridhan Dutt I should certainly follow the behest of the Chair and take up the points made by Dr. Dutt for having four Ministers. I will take up that part of the resolution first and then I shall deal with the amendment of Dr. Naresh Chandra Sen Gupta.

I am not one of those who, like the previous speaker, see a tiger in every bush and scent communalism in every such proposal. I have heard or rather read something like the argument advanced by the previous speaker in a vernacular paper which was circulated to the members of this Council two or three days ago. The paper about the

existence of which I had no previous knowledge put the same argument which has been advanced by the Revd. B. A. Nag. That paper was sent to me as it was sent to many other members of this House with an article marked, which strongly resembles the Bengali translation of Revd. B. A. Nag's speech. I am not going to treat this question as a communal question.

Reverend B. A. NAG: May I say that I have not seen that article?

Mr. NARENDRA KUMAR BASU: But great minds think alike; the editor or the correspondent of the *Sramik* and the Revd. B. A. Nag think alike.

So far as the argument that unless you have four Ministers yon will not have a stable ministry is concerned, my reply is that we have tried the thing with two Ministers and with three and now we want four, but then as I had occasion to say last year the ministry would be absolutely stable if we had 110 Ministers, for then there would be nobody to bring forward any motion against the Ministers' salary. Although a huge sum would be required to pay 110 Ministers, if so many were appointed, yet I think the Hon'ble Mr. Marr would be able to get that passed without any difficulty for almost every one of us would be interested in it. But joking apart I do not really see how we can honestly say that a ministry of four will be more stable than a ministry of three. As has been pointed out by several previous speakers there were three Ministers at the earliest stage of the reforms, two Hindus and one Muhammadan and there was no question of the stability having been endangered because there were three Ministers. I do not see any reason why if we have faith and confidence in the gentlemen who are appointed as Ministers, there should be a ministry of four.

Then, again, another slight difficulty arises in the way of my supporting this question of having four Ministers. As the Council know, the appointment of the number of Ministers is in the hands of His Excellency the Governor and I take it that before this new Council House was built some advice was taken from His Excellency as to the number of seats to be provided for Ministers and Members (although I know nothing about it). I see that on the front treasury bench there are only seven seats now and there is no room for an eighth member of the Cabinet on the front bench; that shows which way the wind is blowing. There is absolutely no chance of His Excellency agreeing to have eight members.

Maulvi SYED MAJID BAKSH: There are seven seats and an eighth seat would obstruct the passage.

Mr. NARENDRA KUMAR BASU: So far as Mr. B. C. Chatterjee's amendment is concerned I take exception to his remarks but not on the ground as Revd. B. A. Nag has said of being communal. What I mean to say is this: Are we here to settle the Hindu-Muhammadan question by an equal division of spoils and offices? That I submit is not the shortest way or the easiest way or even the real way to settle Hindu-Muhammadan differences. If we simply agree on the floor of the House that all Government posts must be held half and half by the Hindu and the Muhammadan communities and take no notice of the Anglo-Indian community or other people who have a claim on the services, I take it that even if we agree that 80 per cent. of Government posts should be left open to the two major communities, 40 per cent. to the Hindus and 40 per cent. to the Muhammadans, and then leave the 20 per cent. to other communities that I submit is not a reasonable way of settling our communal differences. How can we say that we must settle everything by equality of division? For example, it is no use saying that, because four Indians have been elected Fellows of the Royal Society—and they are all Hindus—the next four members must be Muhammadans, or that since up to now only two Hindus have got the Nobel prize, the next two to get the Nobel prize should be Muhammadans. That will never settle the Hindu-Muhammadan question. I do not think that even if we have an equal number of Hindu and Muhammadan Ministers the Hindu-Muhammadan question will be solved. I suggest that when a person, be he Hindu or Muhammadan, becomes a part of the executive Government I take it that he ceases to be a Hindu or a Muhammadan; at least he ought to cease to be so. And he ought to have the whole country's interest at heart. It is no use saying that because a certain Minister, a Hindu or a Muhammadan, has shown some partiality for a member of his own community, therefore that Minister is communal. I strongly repudiate the idea. I take it that after all members of this House, when they become Ministers, do not cease to be the representatives of the people. They are not a part of the bureaucracy in the sense that Members of the Executive Council are. They are still members representing popular opinion in the Cabinet of His Excellency the Governor and popular views do not mean either Hindu views or Muhammadan views. I submit there is absolutely no reason why the religious creed of a member of this Council will be the criterion for the appointment of Ministers.

It is said that apart from the exacting parliamentary duties these Ministers have to do they have to carry their fellow members along with them and to go about the country explaining their views. I submit that even for that purpose it is not necessary to have more Ministers or to give them more pay. As it has been stated *ad nauseum*

it is not necessary to pay a servant of the people of Bengal more than Rs. 3,000 a month and in order to go about the country I take it that even if they are paid Rs. 1,000 a month they will have extra travelling allowances to go about and I think that will suffice. So far as the Revd. Mr. Nag's contention is concerned that because they are not permanent officials they should be paid a high salary, I submit that the statement of such a proposition carries its own refutation with it. It is not necessary that because they are not permanent officials or that they do not have statutory or guaranteed stability for any length of time or do not have pension or provident fund attached to their posts, they must be paid at a very high rate. Of course we ought to pay them enough to keep them in comfort so that they may do their best for their country's good. But it has been said times without number from public platforms all over India that the Public Services in India are the most highly paid in all the world and that they ought to be reduced and because we cannot touch the high salaries of the Members of the Executive Council I submit there is absolutely no reason why our countrymen will not agree to accept a lower salary to do their country's work. As far as the Hon'ble Mr. Prentice's further point that it is no use having this discussion is concerned I submit that it is useful, in that, if the opinion of the House is known to Government there is nothing to prevent the budget being drawn up or being recommended to be drawn up in the way in which the Council want it to be drawn up.

The Hon'ble Mr. A. MARR: I think the section is quite clear on this point.

Maulvi ABUL KASEM: I rise to oppose the resolution put forward by Dr. Dutt. I was anxiously waiting to hear the arguments to be put forward by him. As yon have stated, Sir, from your position, one of the reasons for which he wants the number of Ministers to be raised was that the existing Ministers were overburdened and that the work of the province was suffering on account of an adequate number of Ministers. The Hon'ble Mr. Prentice now and then comes forward with a request to the House to increase the number of the police and police officers, and the ground put forward by him is that they cannot cope with the situation without additional hands.

Here in this case, Sir, neither His Excellency the Governor nor his officers have come forward to say that the work of the Government cannot be carried on without any additional Minister. We have been told that it is necessary for peace and harmony that the number of Hindus and Muhammadans should be even and Rai Bahadur Dr. Haridhan Dutt, speaking on this point, remarked that in the first

Reformed Council when there were two Hindu and only one Muhammadan Ministers there were whisperings of protest from the Muhammadans. I entirely deny that, and I believe that one of the Ministers—unfortunately he is absent just now—will bear me out that not only Mussalman members of the Legislative Council but the Moslem public outside supported the ministry and have never raised the slightest cry that there were two Hindus and one Mussalman. The difficulty about the stability and continuance of the ministry arose from the date that His Excellency the Governor of Bengal, Lord Lytton, made a blunder and appointed two Muhammadans————

Mr. PRESIDENT: Maulvi Sahib, you better not bring in the name of Lord Lytton and attach any blame to him personally.

Maulvi ABUL KASEM: But he appointed the ministry.

Khan Bahadur Maulvi AZIZUL HAQUE: On a point of order, Sir. Are we not at liberty to discuss the actions of the past Governor?

Mr. PRESIDENT: What I said is that it is better not to bring in the name of the ex-Governor of Bengal in a particular act and attach any blame to him personally.

Maulvi ABUL KASEM: With due deference to your ruling I submit that since then we have had many ministries turned out. We have been told further that Sir Surendra Nath Banerjea started some good work and that this work cannot be brought to completion or carried on because the ministry was not a stable one, and that there was no one to carry it on. I submit with due respect to my friend, the mover of the resolution, that it has been proved conclusively that the intelligent and cultured of Bengal have declared the acts of the late Sir Surendra Nath Banerjea and his proposals were not only not good but unsuited to this country and unpopular and unpatriotic except perhaps the Calcutta Corporation Act. The reason why the Bengal Local Self-Government Act and rural water-supply scheme were not carried out were because there was obstruction and obstacles all along the line from the most influential and patriotic section of my countrymen. I will not detain the House any further. I have great respect for Mr. B. C. Chatterjee personally and I am glad to see that he has stated that in the administration of Bengal the responsibility should be shared equally by Hindus and Muhammadans. I am glad of the sentiment and I can say from personal knowledge that Mr. B. C. Chatterjee means what he says. I believe my Muhammadan friends will be only too glad if this principle is followed. Here there is a ministry in which there are two Mussalmans and one Hindu and therefore it is necessary to preserve the equilibrium. I would appeal to Mr. B. C. Chatterjee and to those in authority that in the provincial, subordinate and ministerial

services the difference of proportion is very great and they ought to see that a percentage of equality is brought about at the earliest possible moment.

As regards the salary of the Ministers, I, as a poor man, cannot say what is absolutely necessary for the maintenance of their dignity, position or anything of the kind, but I think that the Ministers of Bengal, so far as their personal comfort and requirements are concerned————(inaudible in the Reporters' gallery).

Mr. P. N. GUHA: Sir, the question of the ministry is being discussed from three points of view and they are stability of the ministry, quantity of work that the Ministers are doing and proportion of the communities in the ministry. It has been pointed out that the ministry will be more stable if it is composed of four Ministers. I deny this. The stability of the ministry in Bengal cannot be made certain under any condition. Appoint as many Ministers as you can, but the ministry will not be stable till the members of this House cease to indulge in the game of "ministry-breaking." Sir, I hope that the possibility of toying with the ministry has to a very large extent disappeared from the Council with the withdrawal of the Swarajists from the legislatures and I am sure the present ministry will be stable without any addition or alteration.

Then, Sir, some members think that the output of the work will largely increase if the number of Ministers is increased to four. I do not think any good case has been made out on that behalf. Our Ministers are not overworked and we have not yet heard of any accumulation of arrears in the transferred departments. Lastly, the proportion of the communities in the ministry. This, I think, is the real point at issue, for Mr. B. C. Chatterjee has made no secret of the fact that his demand for the appointment of the fourth Minister is based on the desire of the Hindus of his way of thinking to see another Hindu appointed in the ministry. He considers the present majority of the Mussalmans in the ministry objectionable. This is a theory which is not only not tenable but positively mischievous at the present moment. Mr. Chatterjee has conveniently forgotten the existence of communities other than the Hindu and Mussalman. Cannot the Europeans claim one-fifth or one-tenth of the ministry? Communal cry in connection with the ministry should be strongly deprecated and I would ask the members of my own community to remember that the Mussalmans never raised this cry when the Hindu element predominated in the first ministry in Bengal.

Sir, I will now refer to the question raised by Dr. Naresh Chandra Sen Gupta. He wants to reduce the salaries of the Ministers to effect economy. I really fail to understand what great things will be accomplished by saving a few thousands of rupees in a year. We are not in a

position to touch the reserved departments and there is no proposal to make an all-round reduction in the pay of Government servants of the transferred departments. Why then think of snatching away a few thousands from the salaries of the Ministers? Sir, it has been said that the saving effected may be utilised for the work of the nation-building departments, but where is the guarantee on that behalf? Can we be sure that the savings will not be spent by Mr. Prentice for the police? Sir, the question of reduction should not be thought of till there is a proposal for all-round reduction in the budget.

Sir, I am opposed to the reduction of the salaries of the Ministers for another reason. You are aware that ours is a caste-ridden country and we have got four principal castes, namely, Brahmin, Kshatriya, Vaisya and Sudra. Sir, to our misfortune this caste system has found place in the Cabinet. The head of the Government who is above all in all respects enjoys the privileges of a Brahmin, for he is supreme. Then the two European members, one controlling the finance and the other general administration, are powerful Kshatrias. Two Bengali members of the Executive Council, one collecting land revenue and the other looking after irrigation for keeping the land fertile, are really Vaisyas. Lastly, the three Ministers who are controlled by the Brahmin at the top and slighted by the masses all round are occupying the position of the most despised Sudras. The only redeeming feature by which they can pretend to have an equal status with upper caste members of the Cabinet is their salary and it will be nothing short of scandalous to touch that salary. I, therefore, oppose the main resolution and all its amendments.

4-15 p.m.

Mr. W. L. TRAVERS: Sir, Mr. Chatterjee in his speech appealed to me and to my group to vote for the resolution and not to go mechanically to the Government side. I submit, Sir, that he is not quite correct in saying that we always go to the Government side, and if on the present occasion we oppose the resolution, it will not be voting for the Government but for the Ministers. I take it that if you approve the policy of the ministry, it is your duty to support it. That in our position at the present moment. I should like to say that had there been no ministry and if this resolution had been then introduced, we should not have objected to it, because, we have heard a good deal of communalism, and I and my group think that it is bound to arise to a certain extent in the future, and the appointment of two Hindus and two Muhammadans would have led to co-operation and toleration. On that account we should have been pleased to see four Ministers appointed, as Mr. Chatterjee has suggested. But at the present time, there happen to be three Ministers, two Muhammadans and one Hindu, and any motion of this kind is bound to be taken somewhat in

opposition to the policy of toleration. Then, Sir, there is another thing to be considered, viz., stability, and that is one of the great objects for which we are here. We desire the stability of the ministry above all things, because there have been so many changes in the ministry and there has been an absence of continuity in regard to ministerial policy. We greatly desire that the ministry should continue, and, moreover, we greatly desire that the present ministry should continue. We approve of their policy, we approve of their achievements, and we greatly desire that they should continue in office without any change whatsoever. And we think that if there are to be Ministers, three is the right number under present conditions. I have seen a good deal of the work of the ministry. I have been on a good many committees presided over by them. I think that although there is sufficient work at the present time for three Ministers, there is not sufficient work for four Ministers. I think at present they have sufficient work—perhaps not hard work but undoubtedly a good deal of work. Over and above this, the budget is before us, and the economies which are to be effected will entail a good deal of additional work, but even then that work will not be sufficient for one more Minister.

Sir, one speaker has drawn a comparison between the salaries paid to the Ministers in Great Britain and those paid here. With regard to that there is no doubt at all that in the opinion of the public at Home the pay of the Ministers in Great Britain is far too small. It is keeping away from the service men who ought to be there. Many of these men go to the city and are not able to serve the country, because they can make more money there. I think, Sir, a man with a family is bound to consider the interest of his family and so he has to take into account the question of pounds, shillings, and pence. For that reason I am not in favour of any reduction in the salary of the Ministers here. I think that Bengal with its 47 millions will require in time to come the services of the very best of her sons, and it is only by paying them adequate salaries that you can obtain them. At the same time I quite agree that a person in the position of a Minister is expected to set an example to his own people. That is all I have to say, Sir. I do not think that any censure question arises. I oppose this resolution.

The Hon'ble Mr. W. D. R. PRENTICE: Sir, I rise to explain the position of Government as regards this resolution and the amendments. They will oppose the motion. The first part of the resolution deals with the pay of the Ministers. As I have already pointed out this afternoon, it is laid down in the Government of India Act that the pay of the Ministers should be the same as that of the Members of the Executive Council, unless the Legislative Council decides otherwise by vote. When Ministers were first appointed, the Governor of the time decided that they should receive the same salary as the Hon'ble Members. That decision was questioned in the Council in 1921, but all

the motions were defeated. Therefore, the vote of the Legislative Council, as it stands to-day, is that the pay of the Ministers shall be the same as that of the Executive Councillors, and until the Council by a vote on a proper occasion comes to a contrary decision, Government will oppose motions for a reduction of the salary of the Ministers. I do not propose to say anything for or against this question now, as I may have to speak on this subject when the budget comes up for discussion.

The second part of the resolution deals with the recommendation to His Excellency to appoint a certain number of Ministers—be they two or be they four. As I pointed out before, under the Act the selection of Ministers and their number are primarily the function of His Excellency, and we do not consider that it is for Government to make any recommendations to His Excellency. I do, however, promise that the proceedings of to-day's debate will be communicated to His Excellency so that if he chooses to take action thereon he may do so. But Government will oppose the proposal to make a recommendation to His Excellency on the subject.

Maulvi TAMIZUDDIN KHAN: Sir, I rise to oppose the original resolution as well as the amendments which have been moved. I think I need not say much in opposing this resolution and the amendments inasmuch as what the Hon'ble Mr. Prentice has said should be sufficient not only for defeating the motions but also for inducing the respective movers to withdraw them. Sir, Mr. B. C. Chatterjee's speech, in moving his amendment, might be open to the interpretation which has been put upon it by the Reverend B. A. Nag and some other speakers, but I am absolutely sure that he did not move his amendment from a communal spirit. He is perfectly sincere in his desire to see that the communal tension in the country ceases. But I beg to submit that his motion is rather inopportune. The question of communal settlement is a large one, and in comparison with that the question of the number of Ministers—Hindu and Muhammadan—is a very minor one. Therefore, it is not proper to attempt a piecemeal solution of this problem on the floor of this House. I would point out to Mr. Chatterjee that it would be inadvisable on his part to press this motion to vote. From the tenor of the speeches in the House it seems that his motion is likely to be defeated, and if this happens I shall be extremely sorry because his proposition is one which deserves much more careful consideration than can be given to it in this Council, and, therefore, if it is defeated without being properly considered, it will mean that the country is not disposed to consider his proposition at all. Therefore, it will be advisable on his part to withdraw his motion. Sir, it has been said that this motion is impracticable, because all the posts and offices in the country cannot be equally divided between Hindus and Muhammadans, but those who

criticised Mr. Chatterjee in this fashion did not take into account the fact that Mr. Chatterjee desired this division as far as practicable. We know that it is not always possible to divide all the posts and offices equally between Hindus and Muhammadans, and so Mr. Chatterjee was careful enough to say that this should be done as far as practicable. Therefore, the criticism which has been hurled at Mr. Chatterjee is to my mind not altogether fair. Of course, the question has been raised that there are other communities as well in this country whose claims deserve consideration. Every one must admit that what Mr. Chatterjee meant was that Hindus and Muhammadans should share everything equally as far as practicable. That does not mean that other communities should be excluded. He does not say that 50 per cent. of all offices should go to the Hindus and 50 per cent. to the Muhammadans. Mr. Ormond points out that in this particular case there will be two Muhammadans and two Hindus and there will be no chance for Europeans to come in. Here the question is for the appointment of four Ministers only. When the new Reforms come, there will be 8 or 10 Ministers, and that will be the proper time for other smaller communities to put in their claims. So far as the present constitution is concerned, it does not seem very reasonable for other minor communities to claim as a matter of right that there should be representatives of their community in the ministry. So far as the Europeans are concerned, I have not hitherto found them very keen to be in the ministry, and I do not think they will ever be keen so long as their other interests which they value much more than the loves and fishes of office are safeguarded. I do not want that any community should be deprived of its legitimate share of appointments under Government, but I submit, Sir, that what Mr. Chatterjee has said has given us a very proper basis for further discussion. He has raised the question from a very admirable standpoint, and I think he should not jeopardise the issue and so I advise him to withdraw his motion.

Then, Sir, as regards the question of prestige and salary, I wish to say a few words. Under the present arrangement the Ministers draw the same salary as the Members of the Executive Council and their position is regarded as equal to that of the Executive Councillors. As the Members of the Executive Council draw a certain salary, it is only just and proper that the Ministers should also draw the same salary. If their salary is reduced, people will naturally think that their position is somewhat lower than that of the Executive Councillors. Therefore, it is not desirable that their pay should be reduced. If their salary is reduced and some saving is effected, where would that saving go? It does not lie with this Council to suggest where that particular amount will go. That is left to others to decide. Therefore in the present circumstances it is not at all advisable to press either the resolution or the amendments to vote, and I think

those members of the House who opposed the withdrawal of the resolution will now see their way to allow the mover to withdraw it.

Babu SATYA KINKAR SAHANA: Sir, I am sorry that I can support neither the resolution nor the amendment, neither the reduction of the salary of the Ministers nor the increasing of their number. The arguments put forward by the mover of the resolution has fully convinced me that Bengal has suffered and fallen back in the race of progress owing partly to having no Ministers for some time and partly to the unstable condition of the ministry for some time. If that be so, if it is thought desirable to have a stable ministry for the progress of the country, for driving malaria out of the country, for supplying pure drinking water in the rural areas and many other improvements, why should the present ministry be given an unnecessary shaking?

Rai Bahadur Dr. Haridhan Dutt's arguments regarding the equality in the number of Ministers from the Muhammadan and non-Muhammadan communities have left me unconvinced of the necessity of equalising the number. I am rather convinced that it will rather be unjustifiable on the part of the non-Muhammadans to which I have the honour to belong, to try to get in another non-Muhammadan Minister when for not an inconsiderable time there were two non-Muhammadan Ministers in Bengal. The effort to get in another non-Muhammadan Minister may reasonably be resented by my Muhammadan friends and therefrom a communal storm may be raised in the country which under the present condition of the country is most unwelcome. Further, as the Ministers do not say that they are overburdened with work and want another colleague, why should another Minister wasting so much of the public money be appointed?

As for the reduction of the salary of our Ministers, I think the law allows equal salary to the Executive Councillors and the Ministers; we cannot raise our voice against the salary of the Ministers when we cannot do so against the salary of the Executive Councillors. In spite of the poet's belittling the rank, he could not but compare with the guinea stamp and we all know the difference of value of the unstamped gold and guinea. Sir, I think that reduction of salary of the Ministers will take away from their dignity which no member of this Council should think of. And when the reduction of the salary of the Ministers will not take appreciably from the top heaviness of the administration, I think we should not take away from the dignity of the Ministers who are from amongst us.

Sir, with these few words I oppose the motion and the amendments.

Babu LALIT KUMAR BAL: The proposal for the reduction of the Ministers' pay does not appeal to my mind. We have always maintained that there should be absolute equality of status between the

Members of the Executive Council and Ministers. And I feel that reduction of salary will reduce the Ministers' status which is certainly undesirable. I must say that this proposal even on the ground of economy sounds cant on the lips of any advocate of the High Court, because they are the people who are most anxious to have an equal status with the barristers. The advocates, whenever they can, will charge the same scale of fees as the members of the English Bar. I know of instances when the vakils, as the advocates used to be called before, refused to accept fees because gems were calculated at Rs. 16 instead of Rs. 17. The supporters of economy theory as these gentlemen are here in this Chamber conveniently manage to forget when they go over to the High Court that they are Indians and according to their own theory they ought to accept lower scale of fees. They will even insist on the equality of the cut of the gown. As soon as the original side of the High Court was thrown open to the vakils, they called themselves advocates, donned the black gown of the Britishers, put on the bond, enjoyed the self-complacence due to their achievement of equality of status with the members belonging to English side of the Bar. But when a change in cut of the gown was prescribed, it hurt the self-respect of the vakil-advocates, and they preferred to revert to their blue gown.

Babu JITENDRALAL BANNERJEE: On a point of order, Sir. What have the advocates' and barristers' gowns to do with the motion before the House?

Mr. PRESIDENT: Is he not making his maiden speech? (Laughter.)

Babu LALIT KUMAR BAL: Sir, if the cut of the gown can give status to a man, certainly equality of pay does.

As regards the argument that the Ministers being Indians they should make sacrifice, Sir, may I know if the scale of fees in the original side of the High Court has come down since it has become an Indian Bar, or the same and even higher scale is charged by the Indian barristers as used to be charged by Mr. Woodroffe, Sir Charles Paul, Sir Griffith Evans, and other lions of the Calcutta Bar in the last century? Does the Indian Advocate-General charge the same fees as Sir Charles Paul and Mr. Woodroffe used to charge, or a lower fee? Coming now to the doctors, I put it to Sir Nilratan Sircar whether the Indian doctors charge a rupee less than the European members of the Indian Medical Service in private practice? If there is no distinction elsewhere, I do not quite realise why the Ministers should be paid less than the Members? Reduce the pay of the Members and Ministers simultaneously, or wait till the new constitution when a general revision of pay on the ground of Indianisation should be considered.

Maulvi HASSAN ALI: I rise to lend my support to Dr. Sen Gupta. But before doing so, I must say at the outset that I cannot agree with Mr. B. C. Chatterjee when he says that the essential question before the House is not the question of the salary of Rs. 2,000 or Rs. 3,000. I say that is the present day question before the country and for the matter of that before this House. The question relates mainly to the purse of the people and the country and how to manage that purse. It is not a question of how to divide the purse of the people between Hindus, Muhammadans and Christians, but it is an economic question. Don't you see the horrible economic distress prevailing in the country? I am afraid you do not seem to realise this; otherwise you would not have made any attempt to get Dr. Sen Gupta's amendment fall to the ground. The demand of the member to make the salary of each Minister Rs. 3,000 per month is quite a modest, legitimate and expedient one. In lending my support to the proposal, Sir, I do not propose to bother myself with entering into those old constitutional controversies as to the defects and shortcomings of the diarchy or as to the success or unsuccess of it. Because at this fag end of the diarchy when we feel that popular Government is bound to come in very near future, these discussions which were of no use in the past here will be of no use now.

I lend my support to Dr. Sen Gupta simply on economic grounds. In the first place, Sir, one of the outstanding grievances of the people is the ruinous expenditure on administration of the country. You take the money of the people and indeed their blood-money and you spend them most lavishly without paying any heed whatsoever to the people's capacity to pay, their income and their interests and welfare.

Ministers' salary, Sir, is the point at issue. In no other country of the world, Sir, such an enormously heavy sum is expended on its popular Ministers. India and for the matter of that Bengal is the poorest country in our planet and she pays the highest salary to her popular Ministers to carry out the administration of the nation-building departments which are by sheer irony of fate called popular—people's own.

Sir, does Japan pay such a heavy sum to her Ministers, though she is wealthier than Bengal? Does Russia pay so much though she is richer than Bengal? Does Italy, Germany or Turkey pay so much heavy salary to their respective Ministers, and are they not many times richer than Bengal? Even in England, Sir, we do not find such an inequitable and ruinous thing. The average income of the British people is more than Rs. 2 per day whereas the average income of Bengal's people is less than annas two per day, and the fun of the thing lies here in the fact that whereas the British Prime Minister gets a salary of Rs. 5,400 per month (£5,000 annually), each of the Bengal Ministers draws a salary of Rs. 5,333-5-3, a sum practically

equal to the Prime Minister's salary less than that only by 2 or 3 pairs of coins.

Such has been the irony of fate of our people, and yet we are to call the Ministers our own—popular Ministers.

In the second place, Sir, the present horrible economic distress of the country must be taken into consideration. We here in Calcutta are surrounded by electric lights and fans and cars, and cannot possibly realise to the extreme what is the true situation of the country.

I need not say that ours is an agricultural country out and out and our so called trades and professions, and in fact our everything depends upon the welfare and prosperity of agriculture and the agriculturists of the land. But what do you find, Sir?

4-45 p.m.

The money scarcity in Bengal will in no time lead to food scarcity in the very near future; we will see the country in the aweful grasp of famine. Sir, at such an economic crisis, every body is compelled to cut his coat according to his cloth. When such is the condition of the country, it would be very natural for this House claiming to represent the people, to come forward with proposals for cutting down the expenditure of every department of administration. And I believe, Sir, that a true representative of the people will be guilty of breach of faith if he does not come with such a proposal for retrenchment.

I do not hold for a moment, Sir, that such a cutting down of Minister's salary from Rs. 64,000 to Rs. 36,000 will prove the radical reduction in the expenses of the administration. But nevertheless I hold that this reduction will mean much—that the reduction will show at least the change of mentality of the Government in respect of the expenditure of the people's money.

And, Sir, as to the Ministers themselves it will be very fair for them if they concede to the proposal of their own initiative. They claim themselves to be popular Ministers. Let them take this opportunity of showing that they are really popular—that they are really one of the people and in the people and for the people.

MUNINDRA DEB RAI MAHASAI: Sir, the ministerial *gaddi* of Bengal had never been strewn with roses since its inception. It was rather a thorny seat, having pricks both on the right and on the left. Peculiar is his position. He has to serve two masters—the Government which appoints him and this House which has the undoubted right to remove him. Such an insecure position was not an enviable one, but people were not wanting who would hanker after it. Perhaps they were inspired with the hope that it would afford them the highest opportunity of service to their motherland. The inequitous Meston

Settlement and the financial condition of the country can never allow a Minister to become popular. The nation-building departments are being starved for want of funds. In the circumstances, if law allowed it, I would have asked the Ministers not to accept any salary at all or to spend it for the benefit of the departments in their charge. If that be not possible or rather practicable, I would ask them to accept the salary which is paid to a puisne Judge of the Calcutta High Court, I mean Rs. 4,000 a month. This pecuniary sacrifice would enhance them in public estimation. Salary alone cannot lower them either in prestige or status. If we want to work diarchy, we must have Ministers. To make it a success, the ministry must be stable. To make it stable, it should command the confidence of the House—it should at least have the majority of the elected members behind the ministry. There are two important communities in the House—the Hindus and the Muhammadans. Equality of representation in the ministry will satisfy at least the major portion of the members and help the stability of the ministry. If it be not possible to reduce the number of Ministers to two, which is desirable in the best interests of the country, I should propose to make it four, two allotted to Hindus and two to Muhammadans. Of course with a depleted Exchequer, the Ministers—they may be two, three or four—would not be able to do much good to the country. They shall have to bide their time for better days.

Kazi EMDADUL HOQUE: The object of my hon'ble friend Dr. Haridhan Dutt, Rai Bahadur, in bringing forward this resolution can be seen from the wording of the resolution itself. I thought that after the Swarajists had left the Council those that came in their place came in to their footsteps with Swarajist mentality. At least they claim to be nationalist and as such we can only expect of them that they should move in the same direction in which the great master minds of our country are moving at present. From them, we do not expect a resolution like this. The only resolution that we can expect of them is the one that aims at the extirpation of the diarchical form of government but not the one that, if accepted, would mean a perpetuation of the same. I am not a little astonished to see that this resolution has been mooted by a nationalist member of this Council which instead of aiming at the destruction of the diarchical form of government, tries to consolidate that system in this country, for what the hon'ble mover really wants, is nothing but to add one more member to the ministry.

Now, Sir, to my mind it appears that one who wants the diarchical form of government to continue can only support a resolution like this. Some of my Muslim colleagues in this Council think that there is a motive behind this resolution. They think that the Hindu Councillors do not like to have two Muhammadan Ministers in the Cabinet. That

may be true or that may not be true, but whatever may be the case, it is all the same to me. I do not care whether the ministerial *gaddi* is occupied by Muhammadan Ministers or by Hindu Ministers or even by European Ministers for the matter of that. It, however, cannot be denied that the Ministers denuded of real powers and control of funds as they are to-day, cannot work to the satisfaction of the people of this country and as such part administration by them which is technically called diarchy cannot be maintained here. It is absolutely unsuitable and unworkable in this soil. Sir, this is not my personal view—an effusion of my insignificant brain—nor it is the incoherent talk of a child, or the irrelevant mutterings of an inexperienced babe, but it is the considered view of a great many sages of our country including the ex-Ministers. It is curious to learn from the ex-Ministers, in no equivocal terms that diarchy has failed in this country and that it cannot prosper. Now as through this resolution an attempt is being made to continue the diarchical form of government in this beloved country of ours and as this is the aim of the resolution, I do not see how I can lend my support to it. I, therefore, rather choose bluntly to oppose it and even go so far as to go to the same lobby with the Ministers, if necessary, for defeating the object of the resolution.

Rai Bahadur KESHAB CHANDRA BANERJI: Sir, in rising to support the question of appointment of four Ministers, I wish to make it perfectly clear at the outset that I am one of those who do not like pinpricks with the ministry; I want the ministry to take its stand on the willing assent of the elected members of the Legislature. I do not suggest thereby that the present ministry has not the confidence of the elected members of this House, but the ministry for all practical purposes must be so constituted as to leave no room for dissatisfaction in any quarter. It is our desire that the ministry stands above distrust and criticism of all kinds and is able to count on the willing co-operation of the members. The game of ministry-making and ministry-breaking which characterised the earlier life of the Council constituted under the Government of India Act is over and the very fact of our presence here to-day is indicative of our willingness to co-operate and to work the present constitution for what it is worth. But, Sir, it should be remembered at the same time that co-operation does not signify our acquiescence in the existing state of things—it does not mean that we are precluded from voicing the opinions of the constituencies we have the honour to represent in this House in regard to the formation of the ministry. We suggest that there should be an equal number of Ministers from both the communities for the reasons stated by Mr. B. C. Chatterjee. Mr. P. Banerji has tabled an amendment that there should be two Ministers in place of four. I do not wish to forestall the decision of the House on his amendment, but it appears impracticable on the very face of it. Sir, you cannot either

dismiss one of the three Ministers or compel any of them to resign. The only course open is to increase the number of Ministers to four. When the Swarajists were in the Council, it was argued that the Hindus refused to accept ministerial responsibilities and as such the ministry had to be formed with the help of the other community. But the situation has changed. The Hindus like their Moslem colleagues have come here pledged to work for the constitution, pledged to support the ministry and pledged to accept ministerial responsibilities. There is, therefore, no reason why the number should not be increased.

Sir, it is far from my intention to raise any communal issue. I am averse to communalism. I would only like to point out that in the interest of administration, all suspicion must be removed. Moreover, it will perhaps be recognised that the appointment of four Ministers will strengthen the position of the ministry. If the Council makes this recommendation which, I hope, it will, His Excellency the Governor will experience no difficulty in acting up to it and there will be no further cause for grievance. Sir, odd numbers are inauspicious and there is always an evenness in even numbers.

With these observations, I heartily support the proposal so far as it relates to the appointment of four Ministers...

Maulvi ABUL KASEM: I now move that the question be now put.

Mr. PRESIDENT: I do think that the question has been sufficiently discussed. I would, therefore, take the sense of the House.

The motion that the question be now put was then put and agreed to.

5 p.m.

Mr. B. C. CHATTERJEE: I beg leave of the House to withdraw the motion that I have moved.

The amendment of Mr. B. C. Chatterjee to the resolution of Rai Bahadur Dr. Haridhan Dutt was then, by leave of the Council, withdrawn.

Rai Bahadur Dr. HARIDHAN DUTT: I also beg leave of the House to withdraw the resolution that I have moved.

Mr. PRESIDENT: You wanted to withdraw it once, but the House did not give you leave to do so.

The amendment of Dr. Naresh Chandra Sen Gupta to the resolution of Rai Bahadur Dr. Haridhan Dutt was then put and lost.

The amendment of Mr. P. Banerji to the resolution of Rai Bahadur Dr. Haridhan Dutt was then put and lost.

The motion that "this Council recommends to the Government that proposals be placed before the Legislative Council with a view to alter the pay of the Ministers to Rs. 4,000 per month" was then put and lost.

The motion that "it be recommended to His Excellency the Governor that up to four Ministers be appointed within the budget provision of Rs. 1,92,000" was then put and lost.

Reclamation of the river Narashundha in Mymensingh.

Maulvi ABDUL HAMID SHAH: I beg to move that this Council recommends to the Government to take immediate steps for the reclamation of the river Narashundha in the district of Mymensingh.

(He spoke in Bengali in support of his resolution.)

The Hon'ble Sir ABDELKERIM GHUZNAVI: There are some 20,000 miles of major water-ways in Bengal, and it is scarcely possible for this or any department to arrange to deal with all matters connected with them. The department has no knowledge of this river whatsoever as it was not declared under any Act. It is a long river and it would take a considerable time and involve considerable expense to make inquiries to find out whether this or any other scheme is worth going into. With regard to this resolution I can only assure the mover that I shall have inquiries made into the matter when I can spare an officer of the department to go into it. It is well known that the Irrigation Department is under-staffed; still I am prepared to have an inquiry made into the question and find out exactly if the scheme will be useful or not if and when any officer can be spared. I would accordingly ask the mover to withdraw his resolution.

The resolution of Maulvi Abdul Hamid Shah was then, by leave of the Council, withdrawn.

Mr. PRESIDENT: I may point out that resolutions standing in the names of Babu Suk Lal Nag and Mr. P. Banerji are identical to resolution of Mr. Sarat Kumar Roy; so the fate of this resolution will determine the fate of those. Members who gave notice of those may speak on the resolution of Mr. Sarat Kumar Roy, if they so desire.

Introduction of a Bill on the revenue assessment of temporarily settled estates of Bengal.

Mr. SARAT KUMAR ROY: I beg to move that this Council recommends to the Government that early steps be taken to introduce a Bill on the revenue assessment of temporarily settled estates of Bengal on the lines of recently introduced United Provinces, Madras and Punjab Bills on the subject. Sir, the question of land revenue assessment has occupied the serious attention of the British administrators from very early times. Lord Cornwallis, one of the most eminent among them, after a most careful study of the situation that prevailed in Bengal, came to the conclusion that nothing short of the introduction of a Permanent Settlement in Bengal, could possibly bring about a regularity in the payment of revenue, reclamation and extension of cultivation and protection of raiyats. We all know the wonderful results of that noble Lord's statesmanship in establishing the Permanent Settlement, to which in addition to the fulfilments of his objects, Bengal owes so much of its present prosperity. Hence it is undeniable that the result of the adoption of a definite and liberal revenue policy in the past has proved to be of immense benefit both to the people, the country and to the Government. The result has been, on the other hand, disastrous in areas where the revenue administration has been carried on simply by the orders of the executive Government with no such statutory enactment to guide them. Towards the close of the last century, critics from many quarters complained that as a result of such periodic revision, the burden proved oppressive in many cases and led to the general impoverishment of the country and was further responsible for recurrence of famines.

To meet such criticism, Lord Curzon's Government undertook a detailed and exhaustive inquiry into the matter, in connection with which, the Government of Bengal submitted a report, a portion of which reads as follows: "Where the revenue is paid by landlords in the temporarily settled areas, 50 per cent. of their assets may be fixed as the maximum Government revenue. The minimum term of settlement in temporarily settled areas shall be 30 years." (*Vide* pages 61 and 62 of the Revenue Policy.)

The results of this inquiry were embodied in the well-known Resolution of the Government of India, 1902, the second clause of which runs thus:—

"That in areas where the State receives its land revenue from landlords, progressive moderation is the keynote of the policy of Government and that the standard of 50 per cent. of the assets is one which is almost uniformly observed in practice and is more often departed from on the side of deficiency than of excess."

The resolution further laid down recommendations for progressive and graduated imposition of large enhancements, for sympathy in collection and for reduction of assessment in cases of local deterioration.

The announcement of the policy embodied in the aforesaid resolution, is very distinct, clear and unambiguous, also that all enhancements should be moderate and progressive, and that 50 per cent. of the assets of a *mahal* be accepted as the maximum demand for revenue. The Government of Bengal adopted the said revenue policy and directed that these general principles should be followed in land revenue settlements of this province.

But in practice, unfortunately, the Government altogether ignore the above principles, and follow a quite different method of assessment. They most arbitrarily exact 70 per cent. of the assets as revenue, and have fixed only 15 years as the term of settlement. Thus the famous resolution of Lord Curzon has degenerated into a mere pious wish called for by the exigencies of a dialectical combat.

5-15 p.m.

Sir, this was the reason as to why the Parliamentary Joint Select Committee strongly recommended early legislation on this vitally important subject in all the provincial legislatures. A reference to paragraph 11 of their report, 1919, will convince, Sir, that the arguments put forward by them in support of their recommendations are conclusive, and they should have commended themselves to the Government of Bengal.

Sir, for drawing attention of the Government of Bengal to these recommendations questions were put in the Council in 1925 by Rai Bahadur S. N. Roy Choudhury, Messrs. P. N. Guha, N. C. Sen and Fazl-ul-Huq and in reply, the then Hon'ble Revenue Member stated that the law under which these settlements were made in Bengal would be found in Regulation VII of 1822 and Act IX of 1847 and the rules in Part 3, Chapter III, of Survey and Settlement Manual.

A little study of these enactments and rules referred to by the late Hon'ble Revenue Member will show that they are contradictory in themselves, inconsistent with the aforesaid recognised revenue policy, obscure and unintelligible to the general public and are wanting in principles of justice and equity.

Sir, the Government of Bengal have been repeatedly requested to carry out the recommendations of the Parliamentary Joint Select Committee, so that the process of revising land revenue, a vitally important subject, may no longer be left to be arbitrarily disposed of by executive orders alone, but may be brought under closer regulation by statutory enactments. But although the recommendation was made in 1919 suggesting that legislation should be introduced as early as possible, the Government of Bengal have not thought it fit as yet to

pay any attention to it. The whole thing has been scrupulously avoided for reasons best known to them.

In the Legislative Assembly the Leader of the House announced that the Government of India had drawn the attention of local Governments on this subject, first in the year 1920 and then again in 1923. But in spite of such actions on their part, the Government of Bengal have not taken any steps, nor do they appear to be inclined even now to take any steps in the matter.

Sir, I may be permitted to mention here that Revenue Bills were introduced in the Legislative Councils of Madras, Bombay, the Punjab, Assam, the United Provinces and the Central Provinces. The Bills have been enacted into law in three of the provinces, *viz.*, the Punjab, the United Provinces and the Central Provinces. It is a matter of extreme regret, however, that the Government of Bengal on the plea that as different conditions prevail in different parts of the province, no single enactment will cover all these divergent conditions, have up to now refrained from passing any legislation. But, Sir, the existing law and regulation, etc., are crude, unscientific, inexact and not free from blemish as the administrator of a high mental calibre like Lord Curzon himself endorsed. It, therefore, seems to be clear that the subject should receive the immediate attention of the Government and ought no longer to be shirked.

Sir, this self-same resolution was brought forward by Rai Satyendra Nath Roy Choudhury Bahadur just three years ago, but was withdrawn at the request of the present Hon'ble Revenue Member to be brought forward again, if necessary. But perhaps it would have been well if the Government in the meantime had introduced a Revenue Bill, definitely laying down, among other things, a limit to the revenue demands of the Government on all land and fixing a reasonable long-term settlement as in some other provinces. Evidently as there is no controversial matter in this, no party can take any exception.

Sir, in the book entitled "Technical Rules and Instructions" of the Survey and Settlement Department, 1916, page 118, paragraph 21, there is a provision regarding diara settlements, by which Settlement Officers are empowered to allow 40 per cent. of such raiyati assets to the settlement holders instead of the now usual 30 per cent., provided they accept settlements amicably. I regret to say that this word "amicably" has got an unfortunate significance for the intending settlement holders, but even so in practice this too is not generally followed!

Sir, again as recently as in September 20th last, a resolution was adopted by the Government in response to a petition on the 7th March, 1929, from the Bengal Landholders' Association, and orders were issued by the Government to the revenue authorities to afford substantial relief as regards assessment of grants. For this we are no doubt very grateful to the Government. But let us see what has been done since

in practice. Sir, in a judgment, dated 29th October, 1930, of the Settlement Officer of 24-Parganas, passed in the case No. 8 of 1930 under section 104E of the Bengal Tenancy Act, we find that only 35 per cent. of the raiyati assessment has been allowed in place of 30 per cent. This is surely not a substantial relief. A further grant of 5 to 15 per cent. may no doubt be allowed in other cases only to cover the expenditure on embankments where such exist, but even then this allowance falls far short of the costs and risks incurred by the settlement holders for the purpose.

The Hon'ble Sir PROVASH CHUNDER MITTER: Sir, may I ask the hon'ble member to give me more particulars of the case—the names of the parties, the district from which it came, so that I may look into it?

Mr. SARAT KUMAR ROY: I have not got the details with me now. I may give them to the Hon'ble Member afterwards if he wants them.

Sir, up to this time this, *viz.*, granting of special allowance for embankment costs, has been left to the discretion of the revenue authorities, who, I submit, being Government officials, will naturally be anxious to see that the Government demands suffer as little as possible, with the result that the settlement holders obtain hardly any relief as pointed out in the Government resolution mentioned above.

I submit, Sir, that an important matter like this ought really not to be left any more to the discretion of the Revenue Officers, but be clearly defined by legislation.

It may be argued on the side of the Government that the temporarily settled estates of Bengal cover only a very small area, and so they do not call for any special legislation. But the recent settlement operations have already added new areas to them and are still adding others inasmuch as the settlement operations have not been finished yet. So the total to be ultimately reached may not be quite inappreciable.

Sir, I apprehend that the Government may put forward another plea against definite legislation, and that is, that as conditions prevailing in different parts of the province vary so widely, no single legislation can possibly cover them all or satisfy the different classes of assessment holders. In answer to this I submit, Sir, that as it has been possible for other provinces of India, as already mentioned above, to pass enactments of a similar nature, then why that will be impossible for Bengal? And have not all legislations got to meet diverse conditions and interests?

With these few words I beg to move the resolution which stands against my name.

The Hon'ble Sir PROVASH CHUNDER MITTER: Sir, the resolution desires that Government should introduce a Bill on the

of the recently introduced United Provinces, Madras and the Punjab Bills. But much of the arguments put forward by the mover was not so much as regards the immediate point raised by the resolution, but with regard to assessment. Now, Sir, as the question of hardship of assessment has been raised, I shall deal with that, but before I do so, I would like to point out that we have in Bengal, Acts already in existence, and I have not heard anything from the hon'ble mover as to why we should have another Act. It is perfectly true that Lord Selbourne's Committee did suggest that legislation on revenue policy should be undertaken for the whole of India, but that committee had more in mind provinces where land settlements were temporary and were undertaken by executive orders. Provinces like the United Provinces, the Central Provinces, Madras and the Punjab are not permanently settled. In these temporarily settled provinces, revenue assessment at the time of the report of that committee was not based on legislative enactments. Bengal which is largely permanently settled stands on a different footing. When the Selbourne Committee's recommendations were forwarded by the Government of India to our Government more than 10 years ago, we submitted our opinion to that Government and they were satisfied that legislation was not necessary in Bengal. That disposes of the suggestion of the mover for fresh legislation.

Now, Sir, as the time at my disposal is short, I shall explain very briefly the position with regard to Bengal. In Bengal about 60,000 square miles are under Permanent Settlement, while only 3,300 square miles are under a temporary settlement system. The kind of legislation which the Selbourne Committee had in view would, therefore, touch only 3,300 square miles, which is only a very small portion of the province. Again, these 3,300 square miles are in different parts of the province and are comprised of lands of different nature and different variety. Take, for example, the Sundarbans area, about which I have no doubt the hon'ble mover is very anxious. There the conditions are very different from what they are in the temporary settled areas in, say, Jalpaiguri, Chittagong, Midnapore, or other districts. But with regard to the Sundarbans lands which the mover has in view, no question of legislation can possibly arise. The case cited by the mover is, I believe, that of a settlement holder who had a 40 years' lease and who entered into a contract in which it was deliberately stated that after the period was over, he could take a fresh settlement keeping only 30 per cent. of the assets for himself, and the judgment of the Director of Land Records referred to must have been in connection with one of these 40 years' Sundarbans leases. Sir, it will be a dangerous principle to do away with contracts by means of legislation. You might as well do away with the Permanent Settlement where there is also a specific contract between the Government and the zamindar. Therefore, Sir, cases like the one referred to by the mover cannot be touched by legislation.

Even in a case like the one mentioned by the mover, in view of the general policy of moderation followed by the Revenue Department, Government by recent orders have allowed the settlement holders much better terms than they are entitled to under the terms of their contract. I have directed that in each one of these 40 years' leases the settlement holder will get 10 per cent. in excess of his stipulated 30 per cent. The Revenue Department have given further discretion to Settlement Officers to allow up to another 10 per cent. for embankment charges according to the nature and needs of the embankment required. That shows that even in regard to these short-term 40 years' leases we have, in spite of the terms of the contract, tried to approximate towards Lord Curzon's policy of 50 per cent. assessment. We have also given other reliefs in some of these cases. I know that these Sundarbans leases have considerably agitated the minds of a section of landlords in one district of this province and some neighbouring districts, but I would like to point out that the legislation suggested will be of no earthly use to those who hold under a contract. On the other hand it will be a piece of legislation which is likely to be a source of hindrance to landlords who hold Sundarbans lands under contracts. Take ordinary land where the soil is not saline. The percentage to be allowed there would depend on the profit that is possible to make. That percentage ought to be lower than in Sundarbans area and a flat rate is likely to affect Sundarbans settlement holders adversely. Now, it is well known that in the Sundarbans the parties have to erect embankments and if the embankments are not properly maintained, the property is bound to deteriorate. If we have legislation on a flat rate, it will be difficult to discriminate. Legislation for the province as a whole must be appropriate to average conditions. Sir, as the time is up, I cannot examine the cases of the United Provinces, Madras and other provinces. I may, however, give an assurance to the mover that as this is not the last word on the subject, he may, if he is dissatisfied with Government orders, bring the matter again before the Council in July. It is an important subject and I do not like to deal with it in a summary manner. I may, however, assure the mover that consistently with the terms of the contracts Government are dealing with the Sundarbans cases with as much consideration as is possible with due regard to public interests.

Mr. SARAT KUMAR ROY: In view of the assurance given by the Hon'ble Member, I beg leave to withdraw the resolution.

The resolution of Mr. Sarat Kumar Roy was then, by leave of the Council, withdrawn.

Adjournment.

The Council was then adjourned till 3 p.m., on Monday, the 23rd February, 1931, at the Council House, Calcutta.

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